DRAFT INITIAL STUDY /
MITIGATED NEGATIVE DECLARATION

New Lakeport Courthouse

For the Superior Court of California, County of Lake

LEAD AGENCY:

Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

PREPARED BY:

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August 2010

JN 60-100671

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LIST OF ACRONYMS

AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ADOC	Administrative Director of the Courts
AMSL	Above Mean Sea Level
AOC	Administrative Office of the Courts
APC	Area Planning Council
APE	Area of Potential Effects
APN	Assessor Parcel Number
BMP	Best Management Practice
BGS	Below Ground Surface
BGSF	Building Gross Square Foot/Feet
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDMG	California Division of Mines and Geology
CEQA	California Environmental Quality Act
CGS	California Geological Survey
CH_4	Methane
City	City of Lakeport
CLSMD	City of Lakeport Sewer Management District
CNDDB	California Natural Diversity Data Base
CNPS	California Native Plant Society

CO	Carbon Monoxide
County	County of Lake
CWA	Clean Water Act
dB	Decibel scale
dBA	A-weighted decibel scale
DTSC	Department of Toxic Substance Control
EDR	Environmental Data Resources, Inc.
EIR	Environmental Impact Report
EMS	Emergency Medical Service
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FTA	Federal Transit Administration
GHGs	Greenhouse Gases
IPCC	Intergovernmental Panel on Climate Change
ITE	Institute of Transportation Engineers
kWh	Kilowatt Hour
LCAQMD	Lake County Air Quality Management District
L_{dn}	Day-Night Sound Level
L_{eq}	Equivalent Sound Level
LEED	Leadership in Engineering and Environmental Design
LOS	Level of Service
LUFT	Leaking Underground Fuel Tank
MWh	Megawatt Hour
NB	Northbound
N_2O	Nitrous Oxide

NOI	Notice of Intent
NO_x	Nitrogen Oxide
NPDES	National Pollutant Discharge Elimination System
OPR	California Governor's Office of Planning and Research
$PM_{2.5}$ / PM_{10}	Particulate Matter
PPM	Parts Per Million
PPV	Peak Particle Velocity
PRC	Public Resources Code
Proposed Project	New Lakeport Courthouse
Q	Quaternary alluvium and marine deposits (Pliocene and Holocene)
RCRA	Resource Conservation and Recovery Act
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SB	Southbound
SCAQMD	South Coast Air Quality Management District
SLIC	Spills, Leaks, Investigative Cleanup
SSMP	Sewer System Management Plan
Superior Court	Superior Court of California, County of Lake
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
SWMP	Storm Water Management Plan
um	Ultramafic Rocks, Chiefly Mesozoic, Unit 3
USGS	United States Geological Survey
VMT	Vehicle Miles Traveled
WWTP	Waste Water Treatment Plant

Chapter 1

Initial Study – Overview

1. Project Title:	New Lakeport Courthouse Superior Court of California, County of Lake
2. Lead Agency Name and Address:	Judicial Council of California Administrative Office of the Courts 455 Golden Gate Avenue San Francisco, CA 94102-3688
3. Contact Person and Phone Number:	Laura Sainz, Manager Environment Analysis and Compliance Unit Office of Court Construction and Management (916) 263-7992
4. Project Location:	675 Lakeport Boulevard Lakeport, California
5. Project Sponsor's Name and Address:	Administrative Office of the Courts 455 Golden Gate Avenue San Francisco, CA 94102-3688
6. General Plan Designation(s):	MR (Major Retail)
7. Zoning Designation(s):	C-2 (Major Retail)

Chapter 2

Project Description

Introduction

The Judicial Council of California ("Judicial Council") is the rule-making arm of the California court system. It was created by an amendment to article VI of the California Constitution in 1926. In accordance with the California Constitution and under the leadership of the Chief Justice of the Supreme Court of California, the Council is responsible for ensuring the "consistent, independent, impartial, and accessible administration of justice." The Judicial Council's staff agency, the Administrative Office of the Courts, (AOC) is responsible for implementing the Judicial Council's policies. In that role, the AOC is responsible for implementation of the Trial Court Facilities Act of 2002, the landmark legislation that shifted the governance of courthouses from California counties to the State of California.

Following the Trial Court Facilities Act of 2002, the AOC conducted a survey to assess the physical condition of the state's courthouses. The survey showed that 90 percent of courthouses need improvements to protect the safety and security of the public, litigants, jurors and families who do business in California's courts. In October 2008, the Judicial Council identified 41 immediate and critical need courthouse projects, in an effort to prioritize future courthouse construction and renovation. The 41 projects are located in 34 counties across the state.

Also in 2008, Senate Bill (SB) 1407, authored by Senator Don Perata, was passed by the legislature and signed by Governor Schwarzeneggar. SB 1407 identified funding to address the physical condition of the state's courthouses. The funding identified is made up of court fines and fees and does not impact the state's general fund.

The New Lakeport Courthouse ("proposed project") is one of the 41 immediate and critical need projects identified by the Judicial Council in 2008. For this proposed project, the AOC would construct a new, approximately 51,000 building gross square foot (BGSF) courthouse, including four courtrooms in the City of Lakeport for the Superior Court of California, County of Lake ("Superior Court"). The proposed project site is currently owned by a private entity, and the State is currently in the feasibility analysis and initial land acquisition process.

Statutory Authority and Requirements

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Sections 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations, the Judicial Council typically acts as the lead agency for courthouse projects. The Judicial Council has delegated this authority to the AOC. In its evaluation of a proposed project, the AOC must consider a project's potential environmental impacts by preparing the appropriate environmental documentation as specified by CEQA. If the AOC finds no evidence that the project (either as proposed or modified to include mitigation measures) may cause a significant physical effect on the environment, then the AOC will: 1) find that the proposed project will not have a significant effect on the environment; and 2) adopt a negative declaration (or mitigated

negative declaration) for the proposed project. Alternatively, if the AOC finds evidence that any aspect of the project may cause a significant effect on the environment (even after the addition of mitigation measures), the AOC will determine that an Environmental Impact Report (EIR) is necessary to analyze project-related and cumulative environmental impacts. The AOC may decide to prepare a negative declaration (or mitigated negative declaration) rather than an EIR only if "there is no substantial evidence in light of the whole record before the lead agency" that significant effects may occur (PRC Section 21080).

This document is an Initial Study. The purpose of this document is to provide an environmental basis for: 1) the level of CEQA review for the proposed project, i.e., a negative declaration or an EIR; and 2) any subsequent discretionary actions the AOC may take on the proposed project. The final document is not a policy document and its approval and/or certification by the AOC neither presupposes nor mandates any actions on the part of other agencies from whom permits and/or other discretionary approvals will be required for the proposed project.

This document is also subject to public review. During the public review period, stakeholders, public agencies, and the general public may provide written comments to the AOC on environmental issues relative to the proposed project. The AOC will include all comments received and provide written responses in the final CEQA document.

Section 15063 of the State *CEQA Guidelines* identifies specific requirements for an Initial Study, including:

- A description of the proposed project, including the location of the project;
- A description of the environmental setting;
- The identification of environmental effects by use of a checklist, matrix or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries;
- A discussion of ways to mitigate significant effects identified, if any;
- An examination of whether the proposed project is compatible with existing zoning, plans, and other applicable land use controls; and
- The name of the person or persons who prepared or participated in preparation of the Initial Study.

Incorporation by Reference

Pertinent documents used in the development of this Initial Study have been cited and incorporated in accordance with Sections 15148 and 15150 of the State *CEQA Guidelines*, to eliminate the need for including voluminous engineering and technical reports. This Initial Study has incorporated by reference the City of Lakeport General Plan 2025. The general plan was utilized throughout this Initial Study and is available for review on the City of Lakeport's website

at: http://www.cityoflakeport.com/docs/City-of-Lakeport-General-Plan-2025_Augus-8312009103657PM.pdf.

The City of Lakeport adopted its general plan in August 2009. The general plan formalizes a long term vision for the City of Lakeport and outlines policies, standards, and programs to guide day-to-day decisions concerning Lakeport's development through the year 2025.

The general plan elements reviewed in the preparation of this Initial Study include:

- *Land Use* – including proposed use classifications, buildout projections, land use policies, and public services and facilities.

- *Transportation* – including existing and proposed location of the roadway network, transit systems, bikeways and pedestrian paths, as well as scenic roadways.

- *Conservation* – including analysis of open space, agricultural resources, biological resources, air quality, water resources, and mineral resources.

- *Open Space, Parks, and Recreation* – including a comprehensive system of open space, parks, and recreational opportunities available for public use, and identifying historic structures and preservation districts within the city.

- *Noise* – including a discussion of noise includes noise sources, projected contours, and mitigation policies.

- *Safety* – addressing geology and seismicity, flooding, hazardous materials, and wildfires. Geologic, seismic, and flooding hazards are mapped.

The Proposed Project

The AOC proposes to acquire property for a new courthouse site in the City of Lakeport, construct a new four-courtroom courthouse facility, and operate the facility to serve the Superior Court. The Superior Court of California, County of Lake serves the residents of Lake County in the main business district of Lakeport. Currently, the court occupies the fourth floor of the Lakeport Courthouse, a shared use facility. This facility has significant security problems, severe accessibility deficiencies, is very overcrowded, and has many physical problems preventing the court from providing safe and efficient court services to the public.

The proposed project consists of the construction of a new courthouse building on an approximately six-acre site located at 675 Lakeport Boulevard, in the City of Lakeport. The proposed new courthouse would be approximately 51,000 BGSF, two stories high, and would include four courtrooms, associated support space, and approximately 120 parking spaces. The proposed new courthouse would include space for all court operations, and would include support space for court administration, court clerk, court security operations and holding, and building support space. The proposed new courthouse would also include a basement containing approximately 7,000 BGSF for a detention-level holding area for persons in custody and

associated vehicular/pedestrian sally ports and sheriff parking, secure judges' parking, storage and other required areas to service the building.

The proposed new courthouse would replace the existing court space currently in the Lakeport Courthouse, located at 255 N. Forbes Street in the City of Lakeport, where the court occupies the fourth floor. The existing courthouse building includes four courtrooms and is only partially occupied by the court. After construction of the proposed new courthouse, the County of Lake would retain ownership of the existing court space for use by other county agencies. In addition, the proposed project would replace the leased Records Storage Annex, located at 832 Lakeport Boulevard in the City of Lakeport. The court currently holds a lease on approximately 1,400 square feet of space for records storage. After construction of the proposed new courthouse, the leased Records Storage Annex would no longer be required. The Superior Court also has a self-help center in the downtown area. The center is in leased space which would not be needed after the new courthouse is built. The self-help center will be located in the new courthouse.

Existing Setting

The proposed project would construct a new courthouse and relocate staff from existing facilities in the Lakeport area. These existing facilities include:

- Existing Lakeport Courthouse – The Municipal and Superior Courts of Lake County agreed to consolidate administratively, effective July 1, 1995. With unanimous consent of the Municipal and Superior Court Judges, the Judicial Council certified the courts as being unified on June 30, 1998. The official title of the court is the Superior Court of California, County of Lake (Superior Court). Unification facilitates the court's efforts to achieve the maximum utilization of judicial and other court resources, to accomplish increased efficiency in court operations, and to increase public access to court services. The court operates out of the fourth floor of the Lakeport Courthouse building, located at 255 N. Forbes Street in the City of Lakeport (APN 025-401-05), and has approximately 15,332 BGSF. This full service court building is county owned, and handles all case types. Once the court vacates this building, the county intends to reassign the space to other county agencies.

- Existing Records Storage Annex – The Records Storage Annex is located at 832 Lakeport Boulevard in the City Lakeport (APN 025-472-05). The court currently leases approximately 1,400 square feet of space for records storage. After construction of the proposed new courthouse, the Records Storage Annex would no longer be required, as the new courthouse would accommodate records storage.

- The Superior Court also has a self-help center in the downtown area. The center is in leased space which would not be needed when the new courthouse is built. The self-help center will be located in the new courthouse.

Proposed Project Purpose and Objectives

The purpose of the proposed project is to provide a new trial court facility that meets the needs of the Superior Court. The AOC's project objectives are to:

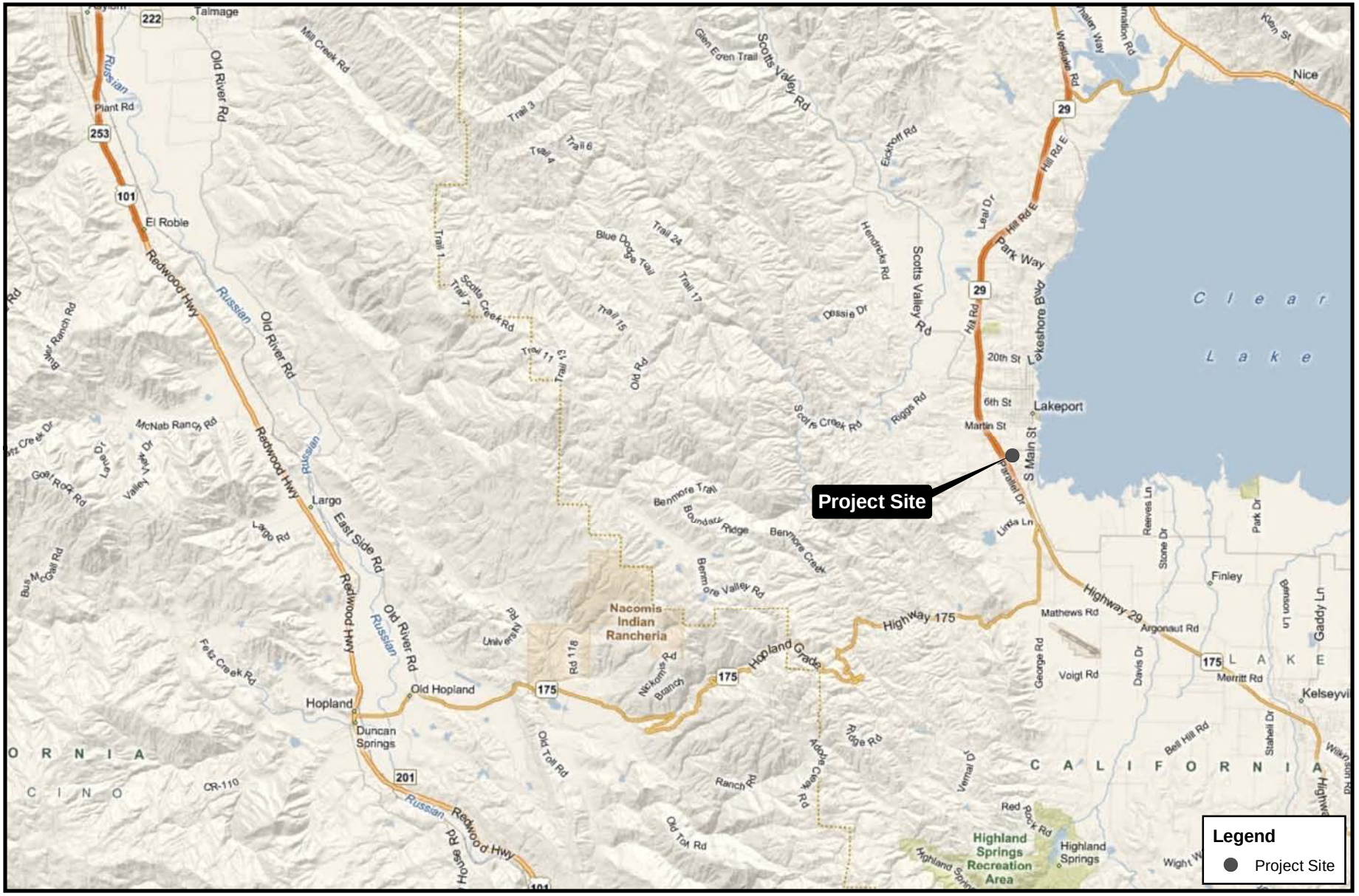
- Provide the Superior Court with a new courthouse with approximately 51,000 BGSF with four courtrooms and improved facilities, including a jury assembly room with ample seating, vending, and restroom facilities;
- Provide a safe and secure courthouse in Lakeport for the public and staff;
- Increase court operational efficiency and improve public service with this new fully accessible court facility; and
- Provide consolidated space for the Superior Court's staff and operations.

Project Site and Vicinity

Lake County is located in northern California, about two and one-half hours driving time from both the San Francisco Bay Area and the Sacramento Metropolitan Area; approximately 110 miles north of San Francisco, 100 miles west of Sacramento, and 80 miles east of the Pacific Coast. The proposed new courthouse site is located at 675 Lakeport Boulevard. The proposed project site borders Lakeport Boulevard and Highway 29, and is adjacent to the Lakeport Visitors Bureau. Lakeport Boulevard forms the northern boundary of the proposed project site, while Highway 29 is approximately 0.10 miles west, and S. Main Street is located approximately 0.22 miles east of the proposed project site. The proposed project site is approximately one-half mile west of Clear Lake. While the proposed project would be located on a hilltop, the actual site for the new courthouse is relatively flat and currently vacant. A project location map is shown in **Figure 1**. A topographic map showing the proposed project location is shown in **Figure 2**. The project site location and proposed access points are shown in **Figure 3**. A conceptual site plan of the proposed project is not available at this time.

The City of Lakeport General Plan 2025 land use designation for the proposed project site is Major Retail (MR). This designation is the principal retail designation for the Lakeport area; the city's zoning for regional and local serving retail establishments, specialty shops, banks, professional offices, motels, and business and personal services. Other uses permitted in this designation include commercial trade services, construction sales and services, warehousing and mini storage. According to the City of Lakeport Community Development Department, the existing zoning for the proposed project site is Major Retail (or the "C-2" Zoning District). The purpose of the "C-2" Zoning District is to provide for the full range of commercial, retail, and service establishments to the community.

Since the AOC is the proposed project's lead agency and is acting for the State of California on behalf of the Judicial Council of California, local land use planning and zoning regulations do not apply to the proposed project. However, the AOC will consult with local government



Source: BING Maps

RBF CONSULTING

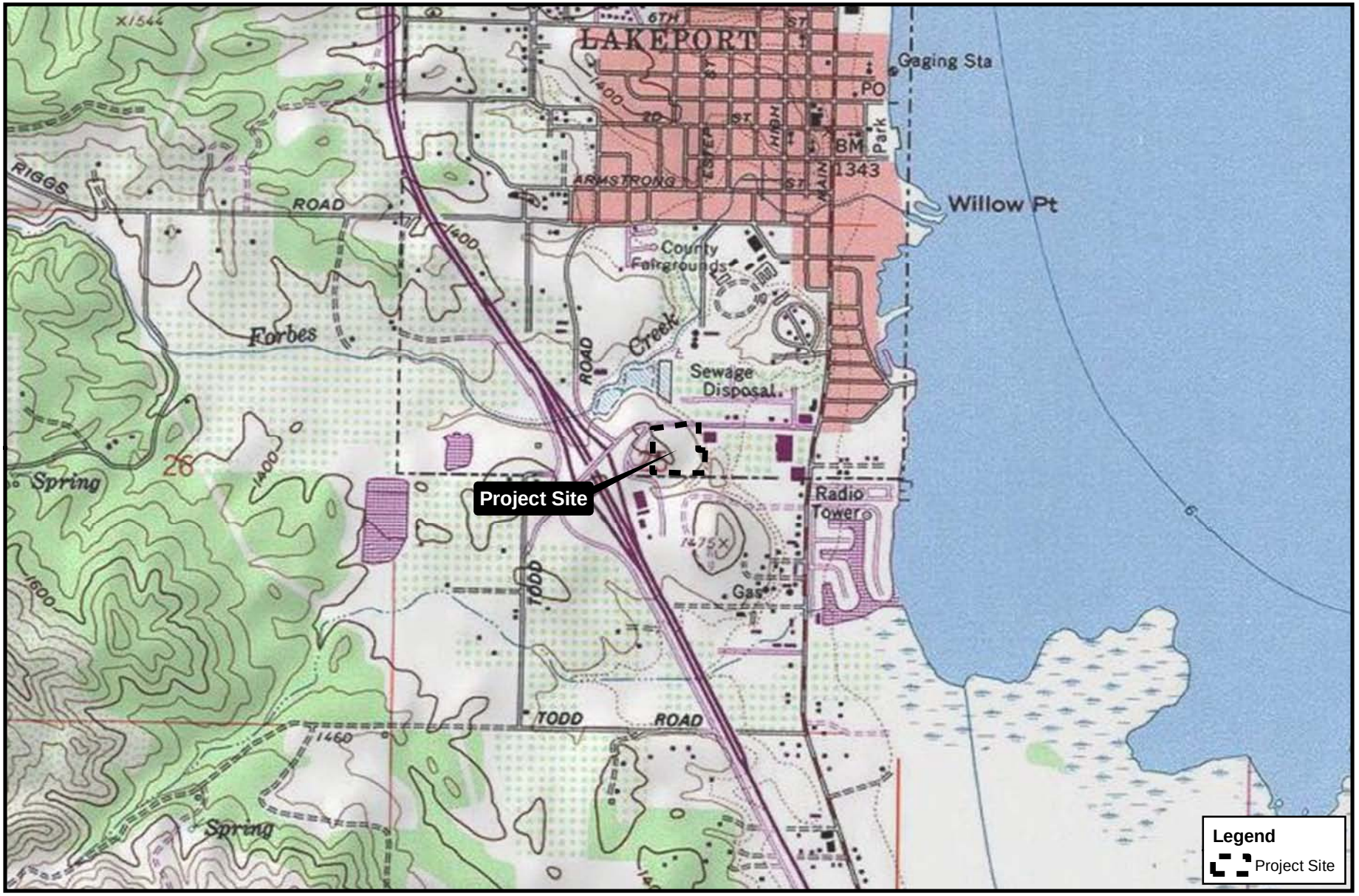
0 1 2 4 Miles

07/12/2010 JN60-100671 JN671_Figure1.mxd LES

NEW LAKEPORT COURTHOUSE IS/MND

Project Location Map

Figure 1



Source: ESRI

RBF CONSULTING

0 0.15 0.3 0.6 Miles

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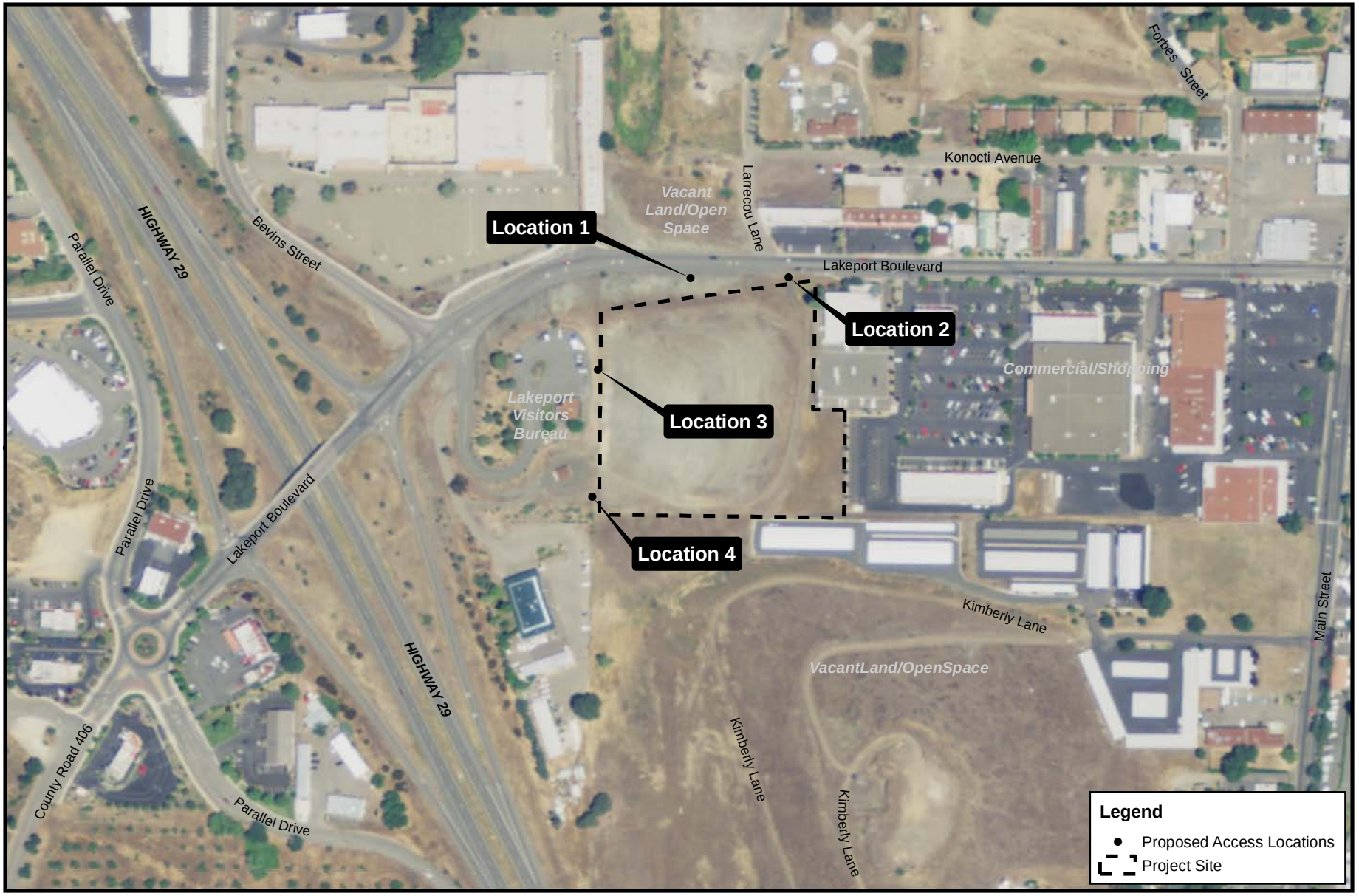
NEW LAKEPORT COURTHOUSE IS/MND

Topographic Map

Figure 2



Source: NAIP 2009 (Imagery), Lake County GIS (roads)

RBF CONSULTING

0 0.025 0.05 0.1 Miles

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NEW LAKEPORT COURTHOUSE IS/MND

Project Site Location and Proposed Access

Figure 3

representatives through the Project Advisory Group established for the project in an effort to provide a courthouse that is high quality and consistent with the local architectural environment.

Courthouse Description

The proposed project would consist of a courthouse building with two stories and a basement level. The proposed project would replace the existing Lakeport Courthouse, leased Records Storage Annex, and leased self-help center. The AOC has not yet developed a conceptual site plan for the proposed project. The proposed new courthouse would be approximately 51,000 BGSF, and would include four courtrooms, associated support space, and approximately 120 parking spaces. Parking for 120 cars to support the proposed courthouse would be provided by a surface parking lot adjacent to the new courthouse. The design would be consistent with facilities recently constructed by the AOC with location-specific considerations. Design criteria for the proposed project are taken from the *California Trial Court Facilities Standards,* approved by the Judicial Council in 2006, and discussed in more detail below.

The proposed new courthouse would primarily support felony, misdemeanor, civil, probate, and family law functions. The building would also provide space for administrative and staff offices, juror assembly areas, a public lobby, security screening operations for the building's entrances, and building support space. The basement level would contain approximately 7,000 BGSF for a detention-level holding area for persons in custody and associated vehicular/pedestrian sally ports and sheriff parking, secure judges' parking, storage, and other required areas to service the building. It is anticipated that approximately 53 staff members would be needed at the new courthouse.

Proposed Project Design Principles and Objectives

The AOC's proposed courthouse design would conform to the specifications of the *California Trial Court Facilities Standards.*[1] The standards were developed in 2006 and amended in March 2010. The 2006 edition was developed using input from a variety of sources including experienced and knowledgeable individuals from courts, counties, architects, and engineers. The standards are based on well known principles. The AOC adapted these principles from the Guiding Principles for Federal Architecture by Daniel Patrick Moynihan, Hon. AIA (American Institute of Architects) and from the Excellence in Public Buildings Initiative, by Stephan Castellanos, FAIA (Fellow, American Institute of Architects), and former State Architect of California. These principles include the following:

- Court buildings shall represent the dignity of the law, the importance of the activities within the courthouse, and the stability of the judicial system;

[1] Judicial Council of California, 2006. *California Trial Court Facilities Standards, 2006 Edition.* April 21. Re-issued March 1, 2010 with Amendment 1. http://www.courtinfo.ca.gov/programs/occm/documents/06_April_Facilities_Standards_with_Amendment1.pdf

- Court buildings shall represent an individual expression that is responsive to local context, geography, climate, culture, and history and shall improve and enrich the sites and communities in which they are located;

- Court buildings shall represent the best in architectural planning, design, and contemporary thought and shall have requisite and adequate spaces that are planned and designed to be adaptable to changes in judicial practice;

- Court buildings shall be economical to build, operate, and maintain;

- Court buildings shall provide a healthy, safe, and accessible environment for all occupants; and

- Court buildings shall be designed and constructed using proven best practices and technology with careful use of natural resources.

The AOC would also apply the following codes and standards to the proposed project:

1. California Building Code (edition in effect as of the commencement of the schematic design phase of the proposed project);
2. California Code of Regulations (CCR) Title 24;
3. California Energy Code;
4. Americans with Disabilities Act and American Disability Act Accessibility Guidelines (Section 11); and
5. Division of the State Architect's Access Checklist.

The proposed project would implement sustainable elements throughout its design, operation, and maintenance. Pursuant to the *California Trial Court Facilities Standards*, all courthouse projects shall be designed for sustainability and, at a minimum, to the standards of a Leadership in Energy and Environmental Design (LEED) "certified" rating. The proposed project would be designed to the LEED silver rating and the AOC would seek certification of the silver rating by the U.S. Green Building Council. A copy of LEED requirements is included in **Appendix A**.

The AOC would implement the proposed project in compliance with standard conditions and requirements for state and/or federal regulations or laws that are independent of CEQA compliance. The standard conditions and requirements serve to prevent specific resource impacts. Typical standard conditions and requirements include the following:

1. The California Building Code;
2. National Pollutant Discharge Elimination System (NPDES);
3. Public Resources Code Section 5097 for the discovery of unexpectedly encountered human remains; and
4. Lake County Air Quality Management District rules.

The proposed project, using the *California Trial Court Facilities Standards*, would incorporate specific design elements into the construction and operation to reduce to below a level of significance any potential environmental effects. For example, the parties constructing and/or operating the proposed project would use best management practices (BMPs) and technologies aimed at limiting the use of natural resources as well as operating costs over the life of the building. Because the AOC is incorporating these design features into the proposed project, the design features do not constitute mitigation measures as defined by CEQA.

Project Construction Schedule and Activities

Should the AOC decide to move forward with the proposed project, then the AOC would acquire the proposed courthouse site from a private entity by January 2011. Construction of the New Lakeport Courthouse would require approximately 20 months, with construction beginning in 2012 and ending in 2014. Building occupancy, including the consolidation of court facilities and operations, is expected to begin by mid to late 2014.

Table 2-1, *Project Construction Activities and Duration*, provides a brief description of the proposed construction activities and an estimate of the duration of anticipated individual construction activities. Some individual construction activities may overlap.

Table 2-1
Project Construction Activities and Duration

Construction Phase	Projected Duration (Months)
Mobilization	One month
Grading and Excavation	One month
Building Construction	20 months
Finish/Move-In	Two months

Source: AOC, July 2010.

The proposed new courthouse would be approximately 51,000 BGSF, two stories high, and would include four courtrooms, associated support space, and approximately 120 parking spaces. The proposed new courthouse would include space for all court operations and support space for court administration, court clerk, court security operations and holding, and building support space. The proposed new courthouse would also include a basement containing approximately 7,000 BGSF for a detention-level holding area for persons in custody and associated vehicular/ pedestrian sally ports and Sheriff parking, secure judges' parking, storage and other required areas to service the building.

Construction staging areas would be located on-site. The construction contractors would install fencing around the perimeter of the construction area. The AOC anticipates that the primary driveway would be located on the eastern boundary of the site (the Larrecou Lane / Lakeport Boulevard intersection). This location is feasible for site access and, following an extensive traffic analysis, is recommended for the main access to the proposed project site.

The AOC would utilize BMPs and other measures throughout the construction phase to avoid or minimize potential impacts. These BMPs and other measures include:

- General measures:
  - Designate a contact person for public interaction.
  - Inform the Lakeport community through the use of a website that identifies the upcoming work and potential impacts to the surrounding communities.
- Storm water, water quality, and soil erosion management measures:
  - The AOC's construction contract will include provisions that require the construction contractor to obtain the North Coast Regional Water Quality Control Board's (RWQCB) approval of a Storm Water Pollution Prevention Plan (SWPPP). Prior to the start of construction, the AOC will ensure that the construction contractor prepared a SWPPP and secured the RWQCB's approval of the plan.
  - The construction contractor will incorporate BMPs consistent with the guidelines provided in the California Storm Water Best Management Practice Handbooks: Construction (California Stormwater Quality Association, 2003).[2]
  - For construction during the rainy season, the construction contractor will implement erosion measures that may include mulching, geotextiles and mats, earth dikes and drainage swales, temporary drains, silt fence, straw bale barriers, sandbag barriers, brush or rock filters, sediment traps, velocity dissipation devices, and/or other measures.
  - Wherever possible, the construction contractor will perform grading activities outside the normal rainy season to minimize the potential for increased surface runoff and the associated potential for soil erosion.
- Air quality management measures. The construction contractor will:
  - When necessary, apply water or a stabilizing agent to exposed surfaces in sufficient quantity at least two times a day to prevent generation of dust plumes.
  - Moisten or cover excavated soil piles to avoid fugitive dust emissions.
  - Discontinue construction activities that generate substantial dust blowing on unpaved surfaces during windy conditions.
  - Install and use a wheel-washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the proposed project site.
  - Cover dump trucks hauling soil, sand, and other loose materials with tarps or other enclosures that will reduce fugitive dust emissions.
  - Ensure that all construction and grading equipment is properly maintained.
  - Ensure that construction personnel turn off equipment when equipment is not in use.

[2] Available at: http://www.cabmphandbooks.com/Documents/Construction/Construction.pdf

  - Ensure that all vehicles and compressors utilize exhaust mufflers and engine enclosure covers (as designed by the manufacturer) at all times.
  - When feasible, use electric construction power for construction operations, in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.
  - Suspend heavy-equipment operations during first-stage and second-stage smog alerts.

- Noise and vibration measures. The construction contractor will:
  - Equip construction equipment with the best available noise attenuation device such as mufflers or noise attenuation shields.
  - When feasible, for construction operations use electric construction power in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.

Construction shall commence no earlier than 7:00 a.m. and cease no later than 6:00 p.m. on weekdays. Construction work might occur on Saturdays; if so, it shall commence no earlier than 9:00 a.m. and cease no later than 6:00 p.m.

Required Approvals

Since the AOC is the lead agency for the proposed project, and is acting for the State of California on behalf of the Judicial Council of California, local government land use planning and zoning regulations do not apply to the proposed project.

The AOC is responsible for approving the CEQA document and the proposed project. The State of California Public Works Board must also approve acquisition of the site for the proposed project.

References

Administrative Office of the Courts (AOC), Office of Court Construction and Management, 2008. *Project Feasibility Report, Superior Court of California, County of Lake, New Lakeport Courthouse.* July 1.

City of Lakeport, General Plan 2025, adopted August, 2009.

City of Lakeport Zoning Ordinance, Revised July 2008. Accessed: June 29, 2010. Available at: http://www.cityoflakeport.com/docs/ZONING-ORD-BY-CHAPTER-revised2008-amend-518200951709PM.pdf

Chapter 3

Environmental Factors Potentially Affected

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Geology, Soils and Seismicity
☐ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials	☐ Hydrology and Water Quality
☐ Land Use and Land Use Planning	☐ Mineral Resources	☒ Noise and Vibration
☐ Population and Housing	☐ Public Services	☐ Recreation
☒ Transportation and Traffic	☐ Utilities and Service Systems	☒ Mandatory Findings of Significance

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial study:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

L F Sainz
Signature

August 20, 2010
Date

Laura F. Sainz
Printed Name

Administrative Office of the Courts
For

Environmental Checklist

3.1 Aesthetics

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
AESTHETICS — Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway corridor?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	☐	☐	☒	☐

Discussion

a) *Would the project have a substantial adverse effect on a scenic vista*?

Less than Significant Impact. Scenic vistas are defined as expansive views of highly-valued landscapes from publicly accessible viewpoints. Scenic vistas include views of natural features such as topography, water courses, rock outcrops, and natural vegetation, as well as man-made scenic structures. The proposed project consists of the construction of a new courthouse building on an approximately six-acre site located at 675 Lakeport Boulevard, in the City of Lakeport. The proposed project site is located on a parcel of land that is at an elevation approximately 30 feet above Lakeport Boulevard. While the proposed project would be located on a hilltop, the actual site for the new courthouse is relatively flat and currently vacant, with no significant topographic relief or features. The proposed project is located in an area comprised of mixed-uses, including predominantly retail and commercial development. Views north of the proposed project site include Lakeport Boulevard, vacant city-owned property, a small strip-mall shopping center to the northeast, and the Vista Point Shopping Center to the northwest. Views east of the proposed project consist of Bruno's Shopping Center, and a storage facility to the southeast. Vacant land is located south of the proposed project site, and the Lakeport Visitors Bureau and Highway 29 are located west of the proposed project site. Clear Lake is approximately one-half mile east of the proposed project. The proposed project would construct a two-story building on the project site. The AOC is attempting to site the courthouse in a way that reduces impacts on the view from the Visitors Center; views would only be partially obstructed, if at all. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

b) *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway corridor*?

Less than Significant Impact. There are no natural rock outcroppings or other scenic resources on the site, based on observations from the site visit and aerial photographs. The proposed project site consists of bare land that has been graded and includes two terraces. The lower terrace is located on the east side of the proposed project site and is accessed from Lakeport Boulevard on the north. The elevation of the lower terrace is approximately 1,365 feet above mean seal level (amsl). The upper terrace is accessed from the lower terrace by two approaches, one on the north end and one on the south end. The elevation of the upper terrace is approximately 1,380 feet amsl, with a decrease in topographic relief to the east. There are no structures on the proposed project site.

California's Scenic Highway Program was created by the Legislature in 1963. Its purpose is to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to highways. There are no officially designated state scenic highways located within Lake County; however, Highway 29, which runs generally north-south through the City of Lakeport, is currently eligible for official designation as a scenic highway. Highway 29 is approximately 0.10 miles west of the proposed project.

As discussed above, the proposed project site is vacant. No rock outcroppings are located on site, and no officially designated state scenic highways are located within Lake County. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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c) *Would the project substantially degrade the existing visual character or quality of the site and its surroundings*?

Less than Significant Impact. The proposed project would involve the development of a two-story courthouse on approximately six acres. According to Figure 16, *Environmentally Sensitive Areas*, found in the City of Lakeport General Plan 2025, the proposed project is located near a "view corridor;" however, the proposed project would be consistent with policies identified in the general plan. The Open Space, Parks and Recreation Element of the City of Lakeport General Plan 2025 contains policies designed to protect scenic views, maintain visual compatibility, and ensure compatibility of new development with surrounding land uses. In addition, the Community Design Element contains numerous policies designed to protect the visual quality and character of the Lakeport area. The courthouse's design would be consistent with courthouse design standards, and the AOC anticipates the courthouse's features to be generally consistent with surrounding development. The proposed scale of the project is compatible and consistent with surrounding existing structures. Therefore, the proposed project would

not substantially degrade the existing visual character or aesthetic quality of the site and its surroundings.

The AOC plans to complete acquisition of the proposed project site by January 2011, begin construction in 2012, and complete construction in 2014. During this period, typical construction equipment such as tractors and cranes would cause short-term visual impacts; however, these visual impacts would no longer exist after project completion. Because the proposed building would not be unusual for the surrounding setting and the visual character and aesthetic quality of the proposed courthouse would be consistent with that of the surrounding area, the physical appearance of the building would not substantially degrade the existing visual character or aesthetic quality of the site's surroundings. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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d) *Would the project create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?*

Less than Significant Impact. The proposed project site is vacant and contains no sources of light. The proposed project would involve the development of the site with urban development typical of other development in the region. Introduction of new lighting from the proposed project would include light sources within and around the proposed courthouse, lighting within the parking lot and security lighting on courthouse grounds. All light sources would be shielded to minimize glare impacts on surrounding properties, and landscaping would also block light from these properties.

Most of the proposed project's interior lighting would be limited to the Superior Court's typical weekday operational hours and the periods immediately before and after the Superior Court's operations.

Implementation of these measures and other LEED guidelines would reduce both the generation of exterior light and the potential for light trespass to affect off-site areas. Because the proposed project would comply with LEED criteria for reducing light pollution, the project would not create substantial light or glare that would adversely affect day or nighttime views in the area.

The *California Trial Court Facilities Standards* emphasize that the state's courthouse buildings would be appropriate to the surroundings and would not have substantial metallic finishes. The proposed project would not add building features such as metallic finishes that generate substantial glare. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

References

Administrative Office of the Courts (AOC), Office of Court Construction and Management, 2008. *Project Feasibility Report, Superior Court of California, County of Lake, New Lakeport Courthouse*. July 1.

City of Lakeport, General Plan 2025, adopted August, 2009.

URS, *Final Draft Phase I Environmental Site Assessment, Proposed New Lakeport Courthouse*, December 2009.

3.2 Agricultural and Forest Resources

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
AGRICULTURAL AND FOREST RESOURCES — In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. **Would the project:**				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Discussion

a, b, c) *Would the proposed project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or conflict with existing zoning for agricultural, Williamson Act, or forest lands*?

No Impact. According to the California Department of Conservation, Division of Land Resource Protection Farmland Mapping and Monitoring Program, the proposed project site is designated as "Urban and Built-Up Land." The site is not identified as being Prime or Unique Farmland, or Farmland of Statewide Importance, is not under a Williamson Act contract, is not located in forest areas or timberland, nor would it convert any of these uses. In addition, according to the City of Lakeport General Plan 2025, the Lake County Agricultural Commissioner has determined that there are no prime agricultural lands within city limits. The proposed project does not conflict with existing zoning for agricultural use, as the proposed project site is designated "C-2" (Major Commercial). *Therefore, the AOC concludes there are no impacts.*

Mitigation required: None.

d) *Would the proposed project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance to non-agricultural use or conversion of forest land to non-forest use*?

No Impact. The proposed project site is not identified as being near Prime or Unique Farmland, or Farmland of Statewide Importance, is not under a Williamson Act contract, is not located in forest areas or timberland, nor would it convert any of these uses. *Therefore, the AOC concludes there are no impacts.*

Mitigation required: None.

References

California Department of Conservation, Important Farmland in California, 2006. Farmland Mapping and Monitoring Program, Lake County Data. Accessed: June 28, 2010. Available at: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2006/

City of Lakeport, General Plan 2025, adopted August, 2009.

3.3 Air Quality

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
AIR QUALITY — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion

a) *Would the proposed project conflict with or obstruct implementation of the applicable air quality plan*?

No Impact. The proposed project site is located in the City of Lakeport, within the Lake County Air Basin (Basin), which is under the jurisdiction of the Lake County Air Quality Management District (LCAQMD). The Basin is designated "attainment" or "unclassified" with respect to all national and California Ambient Air Quality Standards (AAQS). Areas that do not meet the AAQS must develop regional air quality plans in order to attain the standards. As the Basin is in attainment for all AAQS, the LCAQMD has not been required to develop a regional air quality plan. *Therefore, the AOC concludes there are no impacts*.

Mitigation required: None.

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b) *Would the proposed project violate any air quality standard or contribute substantially to an existing or projected air quality violation*?

Less than Significant with Mitigation.

Short-Term Construction Impacts

The proposed project would construct approximately 51,000 square feet of courthouse space, replacing the existing Lakeport Courthouse, leased Records Storage Annex, and

leased self-help center. The proposed project would affect local pollutant concentrations primarily during the construction phase. Activities such as site clearance and grading would generate substantial amounts of dust (including PM_{10}) from "fugitive" sources, such as earthmoving activities and vehicle travel over unpaved surfaces. Emissions would also be generated from the operation of heavy equipment construction machinery and construction worker automobile trips. Construction-related dust emissions would vary from day to day, depending on the level and type of activity, silt content of the soil, and meteorological conditions. Construction is expected to occur over 20 months, between 2012 and 2014.

As the LCAQMD does not have thresholds for construction or operational emissions, the proposed project emissions have been compared to the California and national AAQS. To be conservative, the following averaging times have been utilized: CO (one-hour), NO_X (one-hour), PM_{10} (24-hour), and $PM_{2.5}$ (24-hour). CO, PM_{10}, and $PM_{2.5}$ emissions are modeled in order to determine if the proposed project would generate emissions that would impact localized air quality and human health. As NO_X is an ozone precursor, NO_X emissions were compared to the more conservative 1-hour standard as opposed to the annual arithmetic mean. If NO_X emissions are below the California and National AAQS, then ozone impacts would not be significant.

Although construction would occur between 2012 and 2014, activities occurring in year 2012 would generate the greatest amount of emissions (due to site clearing and grading). Therefore, year 2012 construction emissions were modeled as a worst case scenario. The peak daily construction emissions calculated in URBEMIS2007 were then modeled using the SCREEN3 dispersion model to determine localized pollutant concentrations from operational activities. Dispersion modeling predicts pollutant concentrations based on the amount of pollution emitted as well as the meteorological conditions at the site. Background concentrations were added to the calculated concentrations to determine if proposed project emissions would result in the violation of a California or national AAQS. As shown in Table 3.3-1, *Construction Emissions*, emissions would not result in the violation of a state or national AAQS. Therefore, construction-related emissions would be less than significant.

Table 3.3-1
Construction Emissions

Estimated Emissions	Pollutant – Averaging Time			
	CO (µg/m³) 1 Hour	**NO_X (µg/m³) 1 Hour**	**PM_{10} (µg/m³) 24 Hour**	**$PM_{2.5}$ (µg/m³) 24 Hour**
Project peak concentration (2012)	56.05	98.96	73.92	16.81
Background Concentration	3.5	0.45	48.5	29.0
Total	**59.15**	**99.41**	**122.42**	**45.81**
NAAQS	40,000	203	150	35

Table 3.3-1, Continued
Construction Emissions

Estimated Emissions	Pollutant – Averaging Time			
	CO (µg/m^3) 1 Hour	**NO_X (µg/m^3) 1 Hour**	**PM_{10} (µg/m^3) 24 Hour**	**$PM_{2.5}$ (µg/m^3) 24 Hour**
Significant?	***No***	***No***	***No***	***No***
CAAQS	23,000	339	50	-
Significant?	***No***	***No***	***No***	***No***

ppm = parts per million; µg/m^3 = micrograms per cubic meter; CAAQS = California Ambient Air Quality Standards; NAAQS = National Ambient Air Quality Standards

The proposed project would also incorporate BMPs in order to further reduce air quality impacts during construction. These would include limiting on-site vehicle speeds, shutting down equipment when not in use for extended periods of time, watering the site twice daily when needed, applying nontoxic chemical soil stabilizers to construction areas not in use, and tarping haul trucks (**Mitigation Measure AQ-1**). The proposed project would also be required to obtain an Authority to Construct permit, pursuant to Chapter IV, Article I of the LCAQMD Rules and Regulations.

Mitigation required: Mitigation Measure AQ-1 (see below).

Significance after Mitigation: Less than Significant.

Naturally Occurring Asbestos

Asbestos is a term used for several types of naturally occurring fibrous minerals that are a human health hazard when airborne. The most common type of asbestos is chrysotile, but other types such as tremolite and actinolite are also found in California. Asbestos is classified as a known human carcinogen by state, federal, and international agencies and was identified as a toxic air contaminant by the California Air Resources Board (CARB) in 1986.

Asbestos can be released from serpentinite and ultramafic rocks when the rock is broken or crushed. At the point of release, the asbestos fibers may become airborne, causing air quality and human health hazards. These rocks have been commonly used for unpaved gravel roads, landscaping, fill projects, and other improvement projects in some localities. Asbestos may be released to the atmosphere due to vehicular traffic on unpaved roads, during grading for development projects, and at quarry operations. All of these activities may have the effect of releasing potentially harmful asbestos into the air. Natural weathering and erosion processes can act on asbestos bearing rock and make it easier for asbestos fibers to become airborne if such rock is disturbed. According to the Department of Conservation Division of Mines and Geology, *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos Report* (August 2000), as well as the city's general plan, naturally occurring asbestos is known to occur within the proposed project area.

As naturally occurring asbestos is known to underlie the proposed project site, the project would be required to comply with LCAQMD Rules and Regulations. Chapter II, Article IV, Part V of the LCAQMD Rules and Regulations states that all construction projects located on a serpentine outcrop or alluvial material with greater than one percent asbestos should notify the LCAQMD of intended operations 30 days prior to construction activity. The project applicant would be required to file and receive approval of an asbestos-dust-hazard mitigation plan prior to construction activities. The applicant would also be required to inform employees working on the proposed project site of the potential health risk of airborne asbestos and the requirements of the asbestos-dust-hazard mitigation plan (**Mitigation Measure AQ-2**). Therefore, with implementation of **Mitigation Measure AQ-2**, impacts from naturally occurring asbestos at the proposed project site would be less than significant.

Mitigation required: Mitigation Measure AQ-2 (see below).

Significance after Mitigation: Less than Significant.

Long-Term Operational Impacts

For long-term operational impacts, there are both mobile sources and area sources of emissions. Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. Trip generation rates associated with the proposed project were based on traffic data within the *Lake County Courthouse Traffic Impact Analysis*, prepared by RBF Consulting (June 29, 2010). Based on this *Traffic Impact Analysis*, the proposed project would result in 403 new daily trips, which would equate to 3,049 vehicle miles traveled (VMT).

Area source emissions would be generated due to the development of the proposed project and the associated increase in demand for electrical energy and natural gas consumption. The primary use of natural gas by the proposed project would be for space and water heating, and other miscellaneous heating or air conditioning sources.

As the LCAQMD does not have thresholds for construction or operational emissions, the proposed project emissions have been compared to the California and national AAQS. To be conservative, the following averaging times have been utilized: CO (one-hour), NO_X (one-hour), PM_{10} (24-hour), and $PM_{2.5}$ (24-hour). CO, PM_{10}, and $PM_{2.5}$ emissions are modeled in order to determine if the proposed project would generate emissions that would impact localized air quality and human health. As NO_X is an ozone precursor, NO_X emissions were compared to the more conservative 1-hour standard as opposed to the annual arithmetic mean. If NO_X emissions are below the California and national AAQS, then ozone impacts would not be significant. The peak daily operational emissions calculated in URBEMIS2007 were then modeled using the SCREEN3 dispersion model to determine localized pollutant concentrations from operational activities, then added to the background concentrations. As indicated in Table 3.3-2, *Operational Emissions*,

emissions generated by mobile and area sources would not exceed California or national AAQS standards for CO, NO_X, PM_{10}, and $PM_{2.5}$, impacts to long-term air quality emissions would be less than significant.

Table 3.3-2
Operational Emissions

Estimated Emissions	Pollutant – Averaging Time			
	CO (µg/m³) 1 Hour	**NO_X (µg/m³) 1 Hour**	**PM_{10} (µg/m³) 24 Hour**	**$PM_{2.5}$ (µg/m³) 24 Hour**
Project peak concentration	146.40	17.09	9.48	1.85
Background Concentration	3.5	0.45	48.5	29.0
Total	**149.90**	**17.54**	**57.98**	**30.85**
NAAQS	40,000	203	150	35
Significant?	***No***	***No***	***No***	***No***
CAAQS	23,000	339	50	35
Significant?	***No***	***No***	***No***	***No***

ppm = parts per million; µg/m³ = micrograms per cubic meter; CAAQS = California Ambient Air Quality Standards; NAAQS = National Ambient Air Quality Standards

Mitigation Measure AQ-1 and **AQ-2** would reduce potential impacts to a less-than-significant level.

Mitigation Measure AQ-1: During construction operations, excessive fugitive dust emissions shall be controlled by regular water or other dust preventive measures using the following best management practices:

- Limit on-site vehicle speed to 15 miles per hour.
- Water material excavated or graded sufficiently to prevent excessive amounts of dust. Water three times daily with complete coverage, preferably in the late morning and after work is done for the day.
- Water or securely cover material transported on-site or off-site sufficiently to prevent generating excessive amounts of dust.
- Minimize area disturbed by clearing, grading, earth moving, or excavation operations so as to prevent generating excessive amounts of dust.
- Indicate these control techniques in project specifications. Compliance with the measure shall be subject to periodic site inspections by the city.
- Prevent visible dust from the project from emanating beyond the property line, to the maximum extent feasible.
- Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
- Trucks transporting soil, sand, cut or fill materials, and/or construction debris to or from the site must be tarped from the point of origin.

Mitigation Measure AQ-2: The project applicant shall notify the Lake County Air Quality Management District of intended operations 30 days prior to construction activity. The project applicant shall file and receive approval of an asbestos-dust-hazard mitigation plan prior to any construction activity at the project site. The plan shall address and include mitigation for: excavation, roads, yards, driveways, parking areas, hauling and tracking of material onto adjacent roadways. All material shall be transported in a manner minimizing dust emissions. In no instance shall the dust from such operations exceed five percent opacity 20-feet from the traveled surface. The applicant shall inform employees working at the project site of the potential health risk of airborne asbestos and the requirements of the asbestos-dust-hazard mitigation plan. The plan shall be consistent with the California Air Resources Board Section 93105, *Final Regulation Order – Asbestos Air Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations*.

Significance after Mitigation: Less than Significant.

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c) *Would the proposed project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)*?

Less than Significant with Mitigation. The Basin is currently designated "unclassified" or "attainment" for all criteria pollutants under applicable California or national AAQS. Therefore, the proposed project would not result in an increase of a criteria pollutant for which the region is non-attainment. Also, construction emissions would be reduced with implementation of **Mitigation Measure AQ-1**, and operational emissions would be below the California and national AAQS. A less than significant impact would occur after implementation of **Mitigation Measure AQ-1**. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: Mitigation Measure AQ-1, above.

Significance after Mitigation: Less than Significant.

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d) *Would the proposed project expose sensitive receptors to substantial pollutant concentrations*?

Less than Significant with Mitigation. Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. CARB has identified the following groups of individuals as the most likely to be

affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis.

The nearest sensitive uses are residential uses located approximately 340 feet to the northeast of the proposed project site. As discussed above under section 3.3 c), the proposed project would not result in a violation of a California or national AAQS during construction or operation.

Carbon Monoxide Hotspots

In order to identify impacts to sensitive receptors, a carbon monoxide (CO) analysis was completed for localized mobile (i.e. traffic) source impacts. An assessment of CO "hotspots" is performed when a proposed project increases the volume of traffic to capacity ratio (also called the intersection capacity utilization) by 0.02 (two percent) for relevant intersections with an existing level of service (LOS) D or worse. Because traffic congestion is highest where vehicles queue and are subject to reduced speeds, these hotspots are typically produced at intersection locations.

The projected traffic volumes were modeled using the BREEZE ROADS dispersion model. The resultant values were then added to an ambient concentration. A receptor height of 1.8 meters was used in accordance with the Environmental Protection Agency's (EPA's) recommendations. The calculations assume a meteorological condition of almost no wind (0.5 meters/second), a flat topological condition between the source and the receptor and a mixing height of 1,000 meters. A standard deviation of five degrees was used for the deviation of wind direction. The suburban land classification was used for the aerodynamic roughness coefficient. This follows the BREEZE ROADS user's manual definition of suburban as "regular coverage with large obstacles, open spaces roughly equal to obstacle heights, villages, mature forests." All of the above parameters are based on the standards stated in the *Transportation Project-Level Carbon Monoxide (CO Protocol)*, December 1997.

For the purposes of this analysis, the ambient concentration used in the modeling was the highest one-hour measurement from 2009 (the latest year data was available) of monitoring data at the Santa Rosa Monitoring Station (nearest CO monitoring station to the proposed project site). Actual future ambient CO levels may be lower due to emissions control strategies that would be implemented between now and the proposed project buildout date. Due to changing meteorological conditions over an eight-hour period which diffuses the local CO concentrations, the eight-hour CO level concentrations have been found to be typically proportional and lower than the one-hour concentrations, where it is possible to have stable atmospheric conditions last for the entire hour. Therefore, eight-hour CO levels were calculated using the locally derived persistence factor as stated in the CO Protocol. The local persistence factor is derived by calculating the highest ratio of eight-hour to one-hour maximum locally measured CO concentrations from the most recent three years of data. Table 3.3-3, *Project Buildout*

Carbon Monoxide Concentrations, shows that of the most recent three years of data, year 2007 has the highest eight-hour to one-hour ratio of 0.66.

The intersections in the proposed project area currently operate at an LOS ranging from LOS A to LOS C for PM peak hour activities. At proposed project buildout, four of these intersections would operate at LOS D or worse in an unmitigated condition, requiring a CO hotspot analysis. As indicated in Table 3.3-3 below, CO concentrations would be well below the thresholds. The modeling results are compared to the California AAQS for CO of 9 ppm on an eight-hour average and 20 ppm on a one-hour average. Neither the one-hour average nor the eight-hour average would be equaled or exceeded. Impacts in regards to localized CO hotspots would be less than significant.

Table 3.3-3
Project Buildout Carbon Monoxide Concentrations

Intersection	1-hour CO (ppm)[1]		8-Hour CO (ppm) [1]	
	1-hour Standard	Future + Project	8-hour Standard	Future + Project
Highway 29 SB Ramps/Lakeport Boulevard	20 ppm	3.9	9 ppm	2.57
Highway 29 NB Ramps/Lakeport Boulevard	20 ppm	4.0	9 ppm	2.64
Bevins Street/Lakeport Boulevard	20 ppm	4.0	9 ppm	2.64
Main Street/Lakeport Boulevard	20 ppm	3.9	9 ppm	2.57

Note:
1. As measured at a distance of 10 feet from the corner of the intersection predicting the highest value. Presented 1 hour CO concentrations include a background concentration of 3.5 ppm. Eight-hour concentrations are based on a persistence of 0.66 of the 1-hour concentration.

Refer to **Appendix B**, *Air Quality Data*.

Naturally Occurring Asbestos

As stated in section 3.3 b) above, the proposed project area is known to contain naturally occurring asbestos. Therefore, the proposed project would be required to comply with Chapter II, Article IV, Part V of the LCAQMD Rules and Regulations. The project applicant would be required to file and receive approval of an asbestos-dust-hazard mitigation plan prior to construction activities. With the implementation of **Mitigation Measure AQ-2**, impacts to sensitive uses from naturally occurring asbestos would be less than significant. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: Mitigation Measure AQ-2, described above.

Significance after Mitigation: Less than Significant.

e) *Would the proposed project create objectionable odors affecting a substantial number of people*?

Less than Significant Impact. As a general matter, the types of land use development that pose potential odor problems include wastewater treatment plants, refineries, landfills, composting facilities and transfer stations. No such uses would occupy the proposed project site. Construction activities associated with the proposed project may generate detectable odors from heavy-duty equipment exhaust. Construction-related odors would be short-term in nature and cease upon project completion. Any impacts to existing adjacent land uses would be short-term and are less than significant. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

References

California Air Resources Board, *Ambient Air Quality Standards*, http://www.arb.ca.gov/research/aaqs/aaqs.htm, accessed July 2010.

Department of Conservation Division of Mines and Geology, *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos Report*, August 2000.

Institute of Transportation Studies, *Transportation Project-Level Carbon Monoxide,* December 1997.

Lake County Air Quality Management District, *Rules and Regulations,* updated August 9, 2006.

RBF Consulting, *Lake County Courthouse Traffic Impact Analysis*, June 29, 2010.

Rimpo and Associates, *URBEMIS 2007* (version 9.2.4), June 2007.

Trinity Consultants, *BREEZE ROADS User Manual*, 2003.

U.S. Environmental Protection Agency, *SCREEN3 Model User's Guide,* September 1995.

3.4 Biological Resources

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
BIOLOGICAL RESOURCES— Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

a) *Would the project have a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species*?

Less than Significant with Mitigation.

Special-Status Plant Species

A review of the California Natural Diversity Data Base (CNDDB) records show that two special-status plant species, green jewel-flower and mayacamas popcorn-flower, have been broadly mapped to include the proposed project area. Twenty-six other special-status plant species are known to occur within a 10-mile radius of the proposed project site: Anthony's Peak lupine, beaked tracyina, bent-flowered fiddleneck, Boggs Lake hedge-hyssop, Bolander's horkelia, Brandegee's eriastrum, bristly sedge, Burke's goldfields, Colusa layia, dimorphic snapdragon, eel-grass pondweed, glandular western flax, Koch's cord moss, Konocti manzanita, Napa bluecurls, Norris' beard moss, oval-leaved viburnum, Raiche's manzanita, Rincon Ridge ceanothus, robust monardella, serpentine cryptantha, small-flowered calycadenia, small groundcone, Sonoma canescent

manzanita, two-carpellate western flax, and woolly meadowfoam. The potential for each special-status plant species to utilize the proposed project area is evaluated in the *Biological Study Report* (refer to **Appendix C**).

A botanical survey was conducted on April 9 and 29, May 17, and June 19, 2010. All of the special-status plant species potentially occurring in the proposed project area would have been evident at the time of the fieldwork. The survey consisted of an intensive and systematic evaluation of the proposed project site. The botanical survey confirmed the presence of four special-status plant species on the proposed project site, including: 1) Colusa layia; 2) bent-flowered fiddleneck; 3) serpentine cryptantha; and 4) Tracy's clarkia (a special-status species not reported in the CNDDB records search). Locations of the plant populations are shown in **Appendix C** (refer to Figure 3 of the *Biological Study Report*). Data forms documenting the special-status plant occurrences have been submitted to the CNDDB.

Colusa layia, serpentine cryptantha, and bent-flowered fiddleneck are on the California Native Plant Society's (CNPS's) List 1B. Although not state or federally listed, plants with this CNPS listing status are generally considered to qualify as "endangered, rare, or threatened" under Section 15380(d) of the State *CEQA Guidelines* and thus require consideration during CEQA review. Tracy's clarkia is on CNPS List 4; plants of this status rarely qualify for state listing, but may be locally significant.

Because detailed site development plans have not yet been prepared, the extent of impacts to the serpentine herb community and the four on-site special-status plant species cannot be quantified. However, in general terms, site development has a high potential to adversely affect these resources. It appears that Tracy's clarkia, which is the least sensitive of the plants, would be least affected because it primarily occurs on the periphery of the proposed project site. Serpentine cryptantha, which is the most sensitive of the four species on the proposed project site, is the most centrally located and would be the most difficult to avoid during site development.

California Department of Fish and Game (CDFG) staff were contacted following discovery of the special-status plant populations. However, the CDFG has not conducted a field review of the site or provided guidance as to potential mitigation strategies. Because full avoidance of the special-status plant populations and serpentine herb community does not appear to be possible, the project proponent should prepare a mitigation plan acceptable to CDFG prior to the start of construction activities. Mitigation would likely include avoidance of at least some of the on-site serpentine herb community and associated special-status plant populations. Detailed mapping of the extent and densities of the special-status plant communities prepared as part of the botanical study (refer to **Appendix C**) will assist in preparing a site design that minimizes impacts to the populations. The mitigation plan should be prepared as early as possible, in conjunction with preparation of site design and development plans. Other options for mitigation include preservation of other local populations of these special-status plants,

restoration of degraded populations on other sites in the area, and/or creation or new populations.

Special-Status Animal Species

Review of CNDDB records showed that one special-status animal species, American badger, has been broadly mapped as occurring within the proposed project area. In addition, eight other special-status animal species are known to occur within a 10-mile radius: Clear Lake hitch, foothill yellow-legged frog, grasshopper sparrow, Pacific fisher, Sacramento perch, Townsend's big-eared bat, tricolored blackbird, and western pond turtle. The CNDDB records search also identified seven non-status animal species within the search radius: *Calasellus californicus*, Bell's sage sparrow, blennosperma vernal pool andrenid bee, double-crested cormorant, great blue heron, osprey, and silver-haired bat. The potential for each special-status animal species to utilize the proposed project area is evaluated in the *Biological Study Report* (refer to **Appendix C**).

A wildlife survey was conducted on March 17, 2010. No special-status animal species were observed in the proposed project area during the wildlife evaluation. However, as documented in the *Biological Study Report* (refer to **Appendix C**), two special-status animal species, grasshopper sparrow and Townsend's big-eared bat, as well as the non-status silver-haired bat, could potentially utilize the proposed project site during their life cycles.

The grasshopper sparrow, a migratory bird, has a low potential to nest in the on-site annual grassland community. Potential adverse effects on nesting grasshopper sparrows can be avoided through proper timing of vegetation removal.

Townsend's big-eared bat and silver-haired bat could potentially forage on-site. However, they are very unlikely to roost on the proposed project site, given the lack of suitable roosting locations. Because suitable roosting habitat is much more available on other local sites and similar or higher quality foraging habitat is widely available, site development would have a negligible effect on these bat species; no mitigation is warranted.

Implementation of **Mitigation Measure BIO-1** and **BIO-2** would reduce impacts to special-status plant and animal species to a less-than-significant level.

Mitigation Measure BIO-1: Following the development of a site plan and prior to the commencement of construction activities, the AOC shall prepare a Mitigation Plan to offset potential impacts to the on-site serpentine herb community and the following three special-status plants species: 1) Colusa layia; 2) serpentine cryptantha; and 3) bent-flowered fiddleneck. The Plan shall include measures to avoid and minimize impacts to these resources through careful site design and establishment of on-site avoidance areas. To the extent feasible, Tracy's clarkia shall also be avoided/protected. If full avoidance of Colusa layia, serpentine cryptantha, and bent-flowered fiddleneck is not possible, the

AOC shall compensate for any losses at a minimum 1:1 ratio or at a rate approved by the California Department of Fish and Game. This can be accomplished through preservation of off-site serpentine habitats and special-status plant populations, restoration of degraded habitats on other local sites capable of supporting the sensitive resources, the creation, monitoring and maintenance of new habitats capable of supporting the sensitive resources, purchase of appropriate credits at a qualifying mitigation bank (if available), or appropriate payment into a California Department of Fish and Game recommended in-lieu fee fund. The Plan shall be submitted to the California Department of Fish and Game for review, and shall be approved in writing by the California Department of Fish and Game prior to initiation of construction activities

Mitigation Measure BIO-2: Vegetation removal shall be conducted between August 1 and February 28, if feasible. If vegetation removal must be conducted between March 1 and July 31, a nesting bird survey shall be conducted within two weeks prior to initiation of work. If active nests are present, work within 500 feet of the nest(s) shall be postponed until the young have fledged, unless a smaller next buffer zone is authorized by the California Department of Fish and Game.

Significance after Mitigation: Less than Significant.

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b) *Would the proposed project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service*?

Less than Significant with Mitigation. The proposed project site is approximately 1,340 - 1,400 feet above sea level, and is surrounded on three sides by urban development. The proposed project site was historically an oak woodland, and was used for agriculture and grazing beginning in the late 1930s; the site was cleared of trees and shrubs in the early 1970s, and was graded prior to 1988.[3] Soils on the proposed project site are identified as Henneke-Montara Rock Outcrop Complex, 15 to 50 percent slopes, with a negligible amount of Still loam, stratified substratum, in the extreme northeast corner of the site. The Henneke-Montara Complex consists of very deep, moderately well-drained soils formed in alluvium from mixed rock types. However, grading activities dramatically altered the soils and natural contours of the proposed project site. Roughly 20 feet of surface material was removed from the upper portion of the proposed project site, resulting in two level terraces.

Small rocks of serpentine origin are exposed on the upper terrace and hillsides, which support a serpentine herb community. The lower terrace supports a disturbed annual grassland. Locations of the communities, as well as photographs, are shown in the

[3] *Biological Study Report*, ENPLAN, July 2010.

Biological Study Report (refer to **Appendix C**). Two small, shallow seasonal waters with rock substrates are present on the upper terrace. Most runoff from the proposed project site enters constructed ditches that convey flow to the east. Flow enters the city's storm drain system, which discharges into Clear Lake approximately one-quarter mile east of the proposed project site.

Annual Grassland

Annual grasslands are characterized by a sparse to dense cover of annual grasses with inclusions of numerous species of native annual forbs ("wildflowers"). Germination occurs with the onset of the fall rains; growth, flowering, and seed-set occur from winter through spring. With a few exceptions, the plants are dead through the summer-fall dry season, persisting as seeds. On the proposed project site, the annual grassland community is best represented on the lower terrace of the site, on the eastern edge of the proposed project area. Common species in this community include wild oats, soft chess, California meadow barley, cream sacs, winter vetch, Spanish lotus, and various clovers. Although several special-status plant species were observed on the fringe of the annual grassland community, the community itself is not considered unique or sensitive. Overall, the on-site grassland has low value to wildlife species.

Serpentine Herb Community

The on-site serpentine herb community generally consists of a sparse, low-growing cover of annual and perennial forbs and grasses on the upper terrace and hillsides. Serpentine soils have unique chemical properties that prohibit the growth of many common plant species. A number of other plant species have evolved mechanisms allowing them to survive on serpentine soils. The flora of serpentine sites is thus unique and often supports plants of limited distribution, including a number of endemic species. As discussed above, four serpentine-adapted special-status plant species were observed in this community.

The serpentine herb community is considered to be a sensitive natural community due to its somewhat restricted distribution and the high potential for endemic plant species to be present. The on-site community has been highly disturbed by grading. Although this has reduced the value of the site for some plant species, it has formed a "serpentine barren" that supports a unique suite of species, including four special-status species. Loss of the serpentine herb community as a result of project development is considered a significant adverse impact. Mitigation for this loss is best considered in conjunction with impacts on the four special-status plant species. Because all four of the special-status plant species have an affinity for serpentine soils, mitigation for the loss of the plants would also provide mitigation for the loss of the serpentine herb community.

With implementation of **Mitigation Measure BIO-1**, project impacts to the serpentine herb community would be less than significant.

Mitigation required: Mitigation Measure BIO-1, above.

Significance after Mitigation: Less than Significant.

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c) *Would the proposed project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means*?

Less than Significant Impact. National Wetlands Inventory Maps were reviewed to determine if any jurisdictional waters had been previously reported on or within one-half mile of the proposed project site; however, no data was available for the Lakeport quadrangle. The field investigations were conducted in accordance with the technical methods outlined in the U.S. Army Corps of Engineers Wetland Delineation Manual and under the Regional Supplement to the U.S. Army Corps of Engineers Wetland Delineation Manual: Arid West Region (Arid West Supplement). During the field investigation on April 29 and 30, 2010, eight non-wetland waters of the United States were mapped within two categories: seasonal waters and constructed ditches.

Two seasonal waters, on the western edge of the upper terrace, were created when the site was graded and bedrock was exposed. Water now ponds to a depth of two to three inches in these shallow depressions underlain by bedrock. Representative plant species include scribner grass (*Scribneria bolanderi*), annual hairgrass (*Deschampsia danthonioides*), and rigiopappus (*Rigiopappus leptocladus*), but vegetative cover is less than five percent. Features with an ordinary high water mark and less than five percent vegetative cover are non-wetland waters. The extent of ponding was documented through site inspections on February 8 and April 9, 29 and 30, 2010, as well as by the presence of waterstained rock, sediment deposits, and a biotic crust (refer to **Appendix C**).

Constructed ditches are excavated features that may be located in either wetlands or uplands, and may convey water collected from sheet flow or diverted from other water bodies. The jurisdictional status of constructed ditches depends in part on these characteristics. The on-site ditches are constructed in uplands, and receive sheet-flow runoff and discharge from the two non-wetland waters on the upper terrace. Most of the ditches have only ephemeral flow. However, two of the constructed ditches, 3:CD and 8:CD as identified in the Pre-Jurisdictional Delineation Report (refer to **Appendix C**), do not drain well and support wetland plant species in their lower ends; species present include annual ryegrass (*Lolium multiflorum*), Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*), and common monkey-flower (*Mimulus guttatus*).

As described in Regulatory Guidance Letter 08-02, the AOC concurs with the U.S. Army Corps of Engineers that waters regulated under the Clean Water Act may be present on the proposed project site. As such, these waters will be treated as jurisdictional for the purpose of calculating fill and satisfying future mitigation requirements. The AOC

understands that it can later request and obtain an approved jurisdictional determination if that becomes necessary or appropriate during the permit process or during the administrative appeal process. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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d) *Would the proposed project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites*?

Less than Significant with Mitigation. No terrestrial wildlife corridors exist at the proposed project site. The proposed project site is located within an undeveloped area that is surrounded by development, and just east of Highway 29. The surrounding development and roadways act as existing barriers for terrestrial wildlife movement. Therefore, the proposed project would not interfere with native wildlife movements.

The federal Migratory Bird Treaty Act states that without a permit issued by the U.S. Department of the Interior, it is unlawful to pursue, hunt, take, capture, or kill any migratory bird. Although ambient noise and disturbance levels are high in the site vicinity as a result of existing human and vehicle traffic, it is possible that certain bird species tolerant of disturbance might use these trees or buildings as nesting substrate. Direct impacts to nesting birds could occur if nesting substrate (e.g., trees) is removed while active nests are present. In addition, indirect impacts to nearby nesting birds could occur as a result of project-related construction noise, that causes stress on the birds or nest abandonment. The grasshopper sparrow, a migratory bird, has a low potential to nest in the on-site annual grassland community. Potential adverse effects on nesting grasshopper sparrows can be avoided through proper timing of vegetation removal. Implementation of **Mitigation Measure BIO-2** would reduce these potential impacts to a less-than-significant level.

Mitigation required: Mitigation Measure BIO-2, above.

Significance after Mitigation: Less than Significant.

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e) *Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance*?

Less than Significant with Mitigation. The proposed project does not conflict with any local policies or ordinances protecting biological resources. No trees are located on-site; therefore, policies and ordinances related to tree protection are not applicable. The proposed project would result in the removal of special-status plant species; however, implementation of **Mitigation Measure BIO-2**, would result in impacts that are less than significant.

Mitigation required: **Mitigation Measure BIO-2**, above.

Significance after Mitigation: Less than Significant.

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f) *Would the Proposed Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan*?

No Impact. The proposed project is not within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. *Therefore, the AOC concludes there are no impacts*.

Mitigation required: None.

References

City of Lakeport, General Plan 2025, adopted August, 2009.

ENPLAN, 2010, *Biological Study Report*, July 15, 2010

ENPLAN, 2010, *Pre-jurisdictional Delineation Report*, July 16, 2010.

3.5 Cultural Resources

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
CULTURAL RESOURCES — Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Discussion

a) *Would the proposed project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5*?

No Impact. State *CEQA Guidelines* Section 15064.5 requires the lead agency to consider the effects of a project on historical resources. A historical resource is defined as any building, structure, site, or object listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR), or determined by a lead agency to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, or cultural annals of California.

The CRHR includes resources that have been listed in or formally determined eligible for listing in the National Register of Historic Places (NRHP), as well as some California State Landmarks and Points of Historical Interest. Under U.S. Department of the Interior, National Park Service guidelines (NPS, 1997), buildings, structures, and objects usually need to be more than 50 years old to be eligible for listing in the NRHP. The California Office of Historic Preservation guidelines for project review and planning call for the identification and evaluation of resources that are more than 45 years old to account for the passage of time between the period of project review and project completion. Resources that are less than 50 years old are generally excluded from listing in the NRHP or CRHR, unless they can be shown to be exceptionally significant.

Historic Background

The area now known as Lake County may have first been visited by Euro-Americans in 1821, when Captain Luis Arguello led a military expedition north from San Francisco. Fur trappers, explorers and settlers soon followed. Miners travelling to and from the gold fields traversed the area beginning in the 1840s and many returned after the gold rush to settle.

Lakeport was originally named Forbestown after an early settler. Forbes donated land to the local government in exchange for making the town the county seat in1861. At the same time, a decision was made to change the name of the town to Lakeport to advertise its natural port. Important industries in Lake County have included mining, agriculture, and ranching. Today, the economy is boosted by tourism, wineries, and agricultural products including nuts, fruit, and grapes.

Background Research and Results

A records search was conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System at Sonoma State University on May 26, 2010. Results of the records search conducted at the NWIC indicate that there have been 18 previous surveys within a half-mile radius of the proposed project site. Historic features were noted by the NWIC record search. There are numerous historic structures documented through the City of Lakeport, although none are within or adjacent to the proposed project area.

A pedestrian survey was taken of the entire project area of potential effects (APE) on April 29, 2010 to identify potentially historic architectural resources. To address the possibility of buried cultural resources, the exposed cutbank on the proposed project site's north end and existing road cuts were examined.

No historic sites were noted during the cultural resources survey; however, it should be noted that the entire top 20 feet of the proposed project area was previously removed to create a building pad. This action would have destroyed any cultural resources which might have been present (refer to **Appendix D,** *Cultural Resources Inventory*, for more information). The proposed project would not affect any sites or structures eligible for inclusion of the CRHR or the NRHP. *Therefore, the AOC concludes there are no impacts.*

Mitigation required: None.

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b) *Would the proposed project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5*?

Less than Significant Impact with Mitigation. CEQA requires the lead agency to consider the effects of a project on archaeological resources and to determine whether any identified archaeological resource is a historical resource. State *CEQA Guidelines* Section 15064.5 also requires consideration of potential project impacts on "unique" archaeological resources that do not qualify as historical resources. PRC Section 21083.2 defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria: (1) contains information needed to answer important scientific research questions, and there is a

demonstrable public interest in that information; (2) has a special and particular quality, such as being the oldest of its type or the best available example of its type; and/or (3) is directly associated with a scientifically recognized important prehistoric or historic event or person. PRC Section 15064.5(c)(4) provides that, if an archaeological resource is neither a unique archaeological resource nor a historical resource, the effects of a project on the resource are not considered significant.

Prehistoric Background

The first archaeological work in the Clear Lake region was that of Harrington (1948) at the Borax Lake site (CA-LAK-36). The site was estimated to date to 10,000 B.P., a date that was later validated through obsidian hydration. Although no further large scale archaeological investigations took place in the area until work was conducted at Anderson Flat (White and Frederickson 1992, White et al. 1995, 2002), several broad chronological schemes were developed to interpret the prehistory of the area. White and Frederickson (1992) present a more specific framework for the Clear Lake Basin based upon six sites. The earliest human activity in the area is identified at the Borax Lake site. This pattern (10000-7500 B.P.) is associated with large points, crescents, scrapers, and choppers and assumed to be related to big game hunting. However, the location of the site near the lake may indicate lacustrine use. The sequence continues through the Houx Aspect of the Berkeley Pattern (7500-1200 B.P.), with a drier climate, a shift away from hunting to a more diversified subsistence strategy and increasing populations. The chronology ends with the late prehistoric to early historic Clear Lake Aspect (1200 B.P. – historic contact). Interestingly, two distinct populations are identified occupying the area simultaneously between 4000- 1200 B.P. The intrusive Mendocino Pattern people exhibit similarities to cultures associated with the surrounding mountains while the pre-existing Houx Aspect peoples had ties to Clear Lake.

Ethnographic

The project area was inhabited by the Eastern Pomo at the time of Euro-American contact. Ethnographic sources for the Eastern Pomo include Loeb (1926), Kroeber (1925), Gifford (1923, 1926) and McLendon and Lowy (1978). The following summary is taken from the latter source. The Pomo, identified as part of the Hokan language family, consisted of twelve groups who spoke seven separate, distinct dialects.

The Eastern Pomo followed a seasonal lifestyle that was based upon the environment of the Clear Lake area. Heavy winter rains led to rushing streams in the spring and a full lake at the beginning of summer. Dry summers led to a lower lake level and access to lakeside marshlands. Subsistence activities were tied to this weather pattern. Fish, which were dried for year-round use, were caught in streams in the spring while waterfowl were obtained in the fall. Acorns, a dietary staple, were gathered during the autumn. Roots were dug and tules were harvested in early summer; lake fishing and clam collection took place in early summer as well.

Villages developed along the lake or permanent streams. They were occupied for much of the year; however, many of the inhabitants left the village at certain times of the year in order to obtain specific resources (e.g., acorns).

Tules were a key raw material used by the Eastern Pomo for housing, boats, and clothing, as well as household items and food. Clam shell beads were used as the medium of exchange for the Eastern Pomo. The shells were brought back from the coast, broken, shaped and drilled into beads. Although bartering sometimes took place, beads were principally used to trade for salt, obsidian blades, and a number of other items.

Background Research and Results

Results of the cultural resources records search conducted at the NWIC indicate that there have been 18 previous surveys within a half-mile radius of the proposed project site. No archaeological sites have been recorded in the immediate project area; however, three prehistoric sites have been recorded within one-half mile of the proposed project. Site P-17-000492, known as Prayer Hill, is located 1,000 feet from the proposed project site. There is no site record for this feature, but an article published by the Lake County Chamber of Commerce (Geoble ND), suggests that it was used by the local Native Americans for ceremonies prior to the historic period. This feature has been substantially altered by a road cut and quarrying, with much of the hilltop removed.[4]

A pedestrian survey was conducted on the APE on April 29, 2010. The northern bank was visible to a depth of approximately 29 feet. Ground visibility varied from good (approximately 80 percent exposed ground on top of the hill) to fair (approximately 20 to 30 percent visibility near the base) for the survey area. An archaeological surface survey was conducted on the proposed project area; however, no archaeological resources were recorded during the archaeological surface or pedestrian survey.

The Native American Heritage Commission (NAHC) was contacted on March 16, 2010 to request a database search for sacred lands or other cultural properties of significance within or adjacent to the proposed project area. A response was received on March 25, 2010. The sacred lands file search did not identify the presence of cultural resources in the project area. Letters were sent to Native American organizations and to the Lakeport Historical Society on April 2, 2010. An email response was received from Mr. Shannon Ford of the Scotts Valley Band of Pomo Indians on April 15, 2010, requesting that a member of his tribe monitor the area during ground disturbing activities. The Lakeport Historical Society contacted ENPLAN by telephone on April 20, 2010 to indicate that they have no concerns with the proposed project (refer to **Appendix D,** *Cultural Resources Inventory,* for details and copies of the correspondence).

[4] *Cultural Resources Inventory*, ENPLAN, July 2010.

The accidental discovery of archaeological materials during ground-disturbing activities cannot be entirely discounted. In the unlikely event that archaeological materials are unearthed, implementation of **Mitigation Measure CUL-1** would reduce potential impacts to archaeological resources to less than significant levels.

Mitigation Measure CUL-1: If previously unevaluated cultural resources are encountered, all earth-disturbing work shall stop within 50 feet of the find until a qualified archaeologist and a Native American representative can make an assessment of the discovery and recommend/implement mitigation measures as necessary. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool making debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the archaeologist and Native American representative determine that the resources may be significant, they will notify the AOC. An appropriate treatment plan for the resources should be developed. The archaeologist shall consult with Native American representatives in determining appropriate treatment for prehistoric or Native American cultural resources.

In considering any suggested mitigation proposed by the archaeologist and Native American representative, the AOC will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed in other parts of the project area while mitigation for cultural resources is being carried out.

Significance after Mitigation: Less than Significant.

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c) *Would the proposed project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature*?

Less than Significant with Mitigation. Paleontology is a multidisciplinary science that combines elements of geology, biology, chemistry, and physics in an effort to understand the history of life on earth. Paleontological resources, or fossils, are the remains, imprints, or traces of once-living organisms preserved in rocks and sediments. The fossil yielding potential of a particular area is highly dependent on the geologic age and origin of the underlying rocks. In general, older sedimentary rocks (more than 10,000 years old) are considered most likely to yield fossils of scientific interest.

According to the Natural Resources Conservation Service Web Soil Survey, the proposed project site is located within Soil Map Unit 142: Henneke-Montara Rock Outcrop Complex, 15 to 50 percent slopes. This soil map unit consists of very deep, moderately

well drained soils with medium runoff, and very slow permeability, formed in alluvium from mixed rock sources. The native geology of the proposed project site is mapped as Ultramafic Rocks, chiefly Mesozoic, Unit 3 (um) (Middle and Late Jurassic) by the United States Geological Survey. The proposed project site is surrounded by Quaternary alluvium and marine deposits (Pliocene to Holocene) (Q) (USGS 2010). These two geologic mapping units, um and Q, have the potential to contain paleontological resources; however, the entire top 20 feet of the proposed project area was previously removed to create a building pad. This action would have destroyed any paleontological resources which might have been present. In addition, according to the University of California, Museum of Paleontology (UCMP), no records of previous vertebrate fossil finds or fossil plant sites are located within the proposed six-acre site.

Although there is low potential to encounter paleontological resources during construction, implementation of **Mitigation Measure CUL-2** would reduce any potential impacts to less than significant levels with respect to paleontological resources.

Mitigation Measure CUL-2: In the event that paleontological resources are discovered during ground disturbing activities, grading and construction work within 100 feet of the find shall be suspended until the significance of the features can be determined by a qualified professional paleontologist as appropriate. A qualified professional paleontologist shall then make recommendations for measures necessary to protect the find, or to undertake data recovery, excavation, analysis, and curation of paleontological materials as appropriate.

Significance after Mitigation: Less than Significant.

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d) *Would the proposed project disturb any human remains, including those interred outside of formal cemeteries*?

Less than Significant with Mitigation. Results of the record searches and pedestrian survey indicate that the proposed project area has a low potential to contain buried cultural materials including human remains. However the possibility of uncovering human remains cannot be entirely discounted. In the unlikely event that human remains are uncovered during ground-disturbing activity, the implementation of **Mitigation Measure CUL-3** would reduce potential impacts to human remains to less than significant levels.

Mitigation Measure CUL-3: If human remains are encountered unexpectedly during construction excavation and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the Lake County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will then identify the person(s) thought to be the

Most Likely Descendent, who will help determine what course of action should be taken in dealing with the remains.

Significance after Mitigation: Less than Significant.

References

Geoble, Merion, ND, *The Old Indian Prayer Hill*, Lake County Chamber of Commerce, Lakeport, CA, no date.

ENPLAN, 2010, *Cultural Resources Inventory for the Proposed Lake County Courthouse Site, in the City of Lakeport, Lake County, California*, July 2010.

University of California Museum of Paleontology. Paleontology Records Search. July 2010. Available at: http://www.ucmp.berkeley.edu/science/collectionspolicies.php.

USGS, 2010, *Mineral Resources On-Line Spatial Data – California Geologic Map Data*, Available at: http://tin.er.usgs.gov/geology/state/state.php?state=CA, Accessed on July 19, 2010.

3.6 Geology, Soils, and Seismicity

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
GEOLOGY, SOILS, AND SEISMICITY — Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Discussion

a.i) *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault*?

Less than Significant Impact. The proposed project site is not located in an Alquist-Priolo Earthquake Fault Zone[5] as defined by the California Geological Survey (CGS) (formerly the California Division of Mines and Geology [CDMG]). However, Fault-Rupture Hazard Zones maps prepared by the CGS (pursuant to the Alquist-Priolo Earthquake Fault Zoning Act) do identify areas in the northern section of Lake County as being located in a fault zone. The fault zone runs diagonally in a southeast to northwest direction through the Potato Hill, Lake Pillsbury, and Sanhedrin topographic quad maps. In the far southeastern corner of the county there is a fault zone in the Jericho Valley, an area that runs along the Lake/Napa County line. These faults have the potential for

[5] Alquist-Priolo Zones designate areas most likely to experience fault rupture, although surface fault rupture is not necessarily restricted to those specifically zoned areas.

surface rupture; therefore, the proposed project may result in potential adverse effects involving rupture of a known earthquake fault.

While fault rupture is not necessarily bound to occur directly along the fault trace, ground displacement is usually experienced within a narrow zone along the fault trace. Because the proposed project site is not located on an active or potentially active fault, the potential for surface fault rupture is low, and the impact is considered less than significant.

In addition, the California Building Code (CBC) establishes standards for investigation and mitigation of site conditions related to fault movement, ground rupture, ground shaking as well as other seismically inducted activities. As part of its design effort, the AOC prepares a geotechnical report to evaluate site conditions including seismic issues, and the report's geologist and engineer provide structural recommendations. The AOC's design would incorporate seismic recommendations from the geotechnical report into the proposed project's design to ensure that the building's structural and safety elements meet requirements the CBC. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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a.ii) *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking*?

Less than Significant Impact. Lakeport is located in a highly active earthquake area and the potential exists for a significant seismic event in the future. Immediately east of the city, between the city and Clear Lake, there is a potentially active rupture zone. Potentially active rupture zones are faults which have been active in the past 2,000 years. Little is known about the shoreline fault rupture zone; however, it represents a potential significant hazard and must be taken into consideration when development occurs in the vicinity. To the west of the city lie the San Andreas Fault and the Healdsburg Fault, 30 and 15 miles away, respectively. Both of these faults have been responsible for moderate to major seismic events in the past. The maximum earthquake magnitudes observed to date are 8.5 (Richter Scale) for the San Andreas Fault and 6.75 (Richter Scale) for the Healdsburg fault.

Within the past 200 years, no major damaging earthquakes have occurred along faults in Lake County; however, numerous minor faults exist within the county, designated potentially active, which could cause ground rupture, failure and shaking. Precise locations of these faults are not well established; however, it appears that the greatest number of faults occur in the southwestern portion of the county near Mt. Konocti. The southeastern portion of the county also appears to have considerable faults, particularly from Grizzly Peak eastward and running from Knoxville to the southern county line.

Although some structural damage is typically not avoidable during an earthquake, building codes and construction ordinances have been established to protect against building collapse and major injury during a seismic event. The design and construction of the proposed facilities and their foundations would be in accordance with current applicable requirements of the CBC and would reduce the potential for injury and structural damage. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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a.iii) *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction*?

Less than Significant Impact. Liquefaction is a phenomenon where saturated subsurface soils lose strength because of increased pore pressure and can behave more like a liquid than a solid. The soils most susceptible to liquefaction are clean, loose, uniformly graded, saturated, fine-grained soils that occur close to the ground surface, usually at depths of less than 50 feet. Because liquefaction only occurs in saturated soil, its effects are most commonly observed in low-lying areas near bodies of water such as rivers, lakes, bays, and oceans. Soils in and around Lakeport, especially near the Clear Lake shore, are susceptible to liquefaction during a seismic event.

Regardless, modern construction methods and materials can reduce the potential damage from liquefaction. The design phase geotechnical investigation, as required for by the CBC, would evaluate the potential for liquefaction and include recommendations to reduce the potential impact per standard engineering practices. Implementation of these geotechnical engineering recommendations into the proposed project's specifications would make the potential damage from liquefaction a less-than-significant impact. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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a.iv) *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides*?

Less than Significant Impact. The landslide potential of an area is a function of the area's hydrology, geology, and seismic characteristics. Areas that are often susceptible to landsliding include steep slopes underlain by weak bedrock. While the proposed project would be located on a hilltop, the actual site for the new courthouse is relatively flat and currently vacant. According to the Lake County General Plan EIR (2008),[6] no recent landslides have been identified in the county, though the potential for failure does exist in

6 Available at: http://www.co.lake.ca.us/Government/Directory/Community_Development/documents//2008 FinGP.htm. Accessed: July 15, 2010.

the region, especially in areas of previous landslide debris. The Safety Element of the City of Lakeport General Plan 2025 states that since zones of moderate to high landslide potential exist in Lakeport, soils tests should be carried out by a registered soils engineer or geologist are essential wherever landslide potential is indicated or suspected. As previously mentioned, as part of its design effort, the AOC prepares a geotechnical report to evaluate site conditions including potential landslide issues, and the report's geologist and engineer provide structural recommendations. The AOC's design would incorporate landslide recommendations from the geotechnical report into the proposed project's design to ensure that the building's structural and safety elements are met. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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b) *Would the project result in substantial soil erosion or the loss of topsoil*?

Less than Significant Impact. Construction of the proposed project would involve excavation, soil stockpiling, and grading. These activities would expose areas of soil that have previously been covered with asphalt, concrete, or vegetation. Exposed soil could be subject to erosion by wind and storm water runoff. The extent of erosion that could occur varies depending on soil type, vegetation/cover, and weather conditions. Concentrated water erosion, if not managed or controlled, could eventually result in significant soil loss. Sediment from project-induced erosion could also accumulate in downstream drainage facilities, interfere with flow, and aggravate downstream flooding conditions. The project applicant would be required to apply for a NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit), which involves preparing a SWPPP for all construction phases of the proposed project (see Hydrology and Water Quality for more information). This permit is required by the RWQCB. The objectives of the SWPPP are to identify pollutant sources (such as sediment) that may affect the quality of storm water discharge and to implement BMPs to reduce pollutants in storm water discharges. The applicant would be required to submit a Notice of Intent (NOI) to the RWQCB prior to the start of construction and provide a copy of the SWPPP at the job site at all times.

At the end of each construction year (if applicable), the applicant would be required to submit an annual report to the RWQCB describing the performance of the prescribed BMPs and measures to correct BMPs that failed. Upon completion of the proposed project, the applicant would be required to submit a Notice of Termination to the RWQCB to indicate that all phases of construction are complete. Implementation of the plan would start with the commencement of construction and would continue though completion of the proposed project. Compliance with the SWPPP and the prescribed BMPs would reduce potential erosion of exposed soil and reduce potential erosion impacts. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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c) *Would the project be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse*?

Less than Significant Impact. The proposed project would include a design level geotechnical investigation that would have recommendations for foundation soils as well as compaction and backfill specifications to ensure geotechnically sound construction. The potential landslide hazard for the proposed project is considered very low due to the relatively level topography. Construction building codes for seismic conditions such as those present at the proposed project site include stringent requirements for foundation and building designs and would be enforced for the proposed project. With incorporation of geotechnical recommendations made in the design level investigation, the potential hazard from unstable soils would be considered less than significant. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property*?

Less than Significant Impact. Expansive soils are those soils that shrink and swell in response to changes in moisture content potentially causing serious damage to overlying structures. According to the Natural Resources Conservation Service Web Soil Survey, the proposed project site is located within Soil Map Unit 142: Henneke-Montara Rock Outcrop Complex, 15 to 50 percent slopes. This soil map unit consists of very deep, moderately well drained soils with medium runoff, and very slow permeability, formed in alluvium from mixed rock sources. Expansive soils are often remedied during pre-construction site preparation either through treatment with lime or replacement with engineered fill. The proposed project would include a geotechnical evaluation of the building site location. As part of this investigation, the geotechnical engineer would evaluate the potential for expansive soils and provide recommendations. Implementation of these recommendations, as required by the CBC, would result in less-than-significant impacts. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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e) *Would the project site have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater*?

No Impact. The proposed project does not include any element that would require the need for a septic wastewater disposal system. The wastewater generated by the proposed

project would be handled by the city sewer system. *Therefore, the AOC concludes there are no impacts*.

Mitigation required: None.

References

Hart, E. W., 1997, *Fault-Rupture Hazard Zones in California: Alquist-Priolo Special Studies Zones Act of 1972 with Index to Special Studies Zones Maps,* California Division of Mines and Geology, Special Publication 42, 1990, revised and updated 1997.

City of Lakeport, General Plan 2025, adopted August, 2009.

City of Lakeport, General Plan Update Draft Environmental Impact Report, November 2008.

United States Department of Agriculture, Natural Resources Conservation Service: Soil Survey Area: Lake County, California. Survey Area Data: Version 7, Aug 31, 2009.

3.7 Greenhouse Gas Emissions

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
GREENHOUSE GAS EMISSIONS — Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Discussion

a) *Would the proposed project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment*?

Less than Significant Impact.

Global Climate Change

Greenhouse gas (GHG) emissions have the potential to adversely affect the environment because they contribute to global climate change. GHGs are global in their effect, which is to increase the earth's ability to absorb heat in the atmosphere. As primary GHGs have a long lifetime in the atmosphere, accumulate over time, and are generally well-mixed, their impact on the atmosphere is mostly independent of the point of emission. Prominent GHGs of concern include carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). California is a substantial contributor of GHGs, emitting over 400 million tons of carbon dioxide (CO_2) per year.[7] Climate studies indicate that California is likely to see an increase of three to four degrees Fahrenheit (ºF) over the next century. Methane is also an important GHG that potentially contributes to global climate change.

The impact of anthropogenic activities on global climate change is apparent in the observational record. Air trapped by ice has been extracted from core samples taken from polar ice sheets to determine the global atmospheric variation of CO_2, methane (CH_4), and nitrous oxide (N_2O) from before the start of industrialization (approximately 1750), to over 650,000 years ago. For that period, it was found that CO_2 concentrations ranged from 180 parts per million (ppm) to 300 ppm. For the period from approximately 1750 to the present, global CO_2 concentrations increased from a pre-industrialization period concentration of 280 ppm to 379 ppm in 2005, with the 2005 value far exceeding the upper end of the pre-industrial period range.

Regulations and Significance Criteria

The Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts.

[7] California Energy Commission, *Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004*, 2006.

It concluded that a stabilization of GHGs at 400 to 450 ppm carbon dioxide-equivalent concentration is required to keep global mean warming below 2 degrees Celsius (ºC), which in turn is assumed to be necessary to avoid dangerous climate change.

California Governor Arnold Schwarzenegger issued Executive Order S-3-05 in June 2005, which established the following GHG emission reduction targets:

- 2010: Reduce GHG emissions to 2000 levels;
- 2020: Reduce GHG emissions to 1990 levels; and
- 2050: Reduce GHG emissions to 80 percent below 1990 levels.

Assembly Bill (AB) 32 requires that the California Air Resources Board (CARB) determine what the statewide GHG emissions level was in 1990, and approve a statewide GHG emissions limit that is equivalent to that level, to be achieved by 2020. CARB has approved a 2020 emissions limit of 427 million metric tons of CO_2 equivalent.

Due to the nature of global climate change, it is not anticipated that any single development project would have a substantial effect on global climate change. In actuality, GHG emissions from the proposed project would combine with emissions emitted across California, the United States, and the world to cumulatively contribute to global climate change.

In June 2008, the California Governor's Office of Planning and Research (OPR) published a Technical Advisory, which provides informal guidance for public agencies as they address the issue of climate change in *CEQA* documents.[8] This is assessed by determining whether a project is consistent with or obstructs the 39 Recommended Actions identified by CARB in its Climate Change Scoping Plan which includes nine Early Action Measures (qualitative approach). The Attorney General's Mitigation Measures identify areas where GHG emissions reductions can be achieved in order to achieve the goals of AB 32. As set forth in the OPR Technical Advisory and in the proposed amendments to the State *CEQA Guidelines* Section 15064.4, this analysis examines whether the proposed project's GHG emissions are significant based on a qualitative and performance based standard (Proposed State *CEQA Guidelines* Section 15064.4(a)(1) and (2)).

The Lake County Air Quality Management District (LCAQMD) does not currently have a quantitative threshold of significance for GHG emissions. In the absence of such a threshold, this analysis is based upon consistency with State GHG emission reductions targets established by AB 32. To achieve the GHG reduction goals of AB 32, a minimum 28.5 percent reduction from the "business as usual" scenario must be accomplished. Therefore, if the proposed project would reduce its "business as usual" emissions by a minimum of 28.5 percent, then a less than significant impact would result.

8 Governor's Office of Planning and Research, *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review*, 2008.

Direct Project-Related Sources of Greenhouse Gases

Direct project-related GHG emissions include emissions from construction activities, area sources, and mobile sources. Construction would commence in 2012 and would cease in 2014. GHG emissions from construction are typically amortized over the lifetime of the project (50 years, in accordance with the Judicial Council standards) and added to the operational emissions. Table 3.7-1, *Estimated Greenhouse Gas Emissions*, presents the estimated CO_2, N_2O, and CH_4 emissions associated with construction and operations of the proposed project. As seen in Table 3.7-1, construction-related activities would result in an amortized total of 9.31 metric tons of carbon dioxide equivalents per year ($MTCO_2eq/yr$)[9]. GHGs associated with area sources and mobile sources would be 95.34 $MTCO_2eq/yr$ and 494.90 $MTCO_2eq/yr$, respectively.

Table 3.7-1
Estimated Greenhouse Gas Emissions

Source	CO_2	N_2O		CH_4		Total Metric Tons of CO_2eq/yr[6]
	Metric Tons/yr	Metric Tons/yr	Metric Tons of CO_2eq/yr[6]	Metric Tons/yr	Metric Tons of CO_2eq/yr[6]	
Construction Emissions						
2012	159.34	0.00	0.09	0.02	5.91	165.34
2013	185.28	0.00	0.06	0.01	4.43	189.77
2014	120.14	0.00	0.01	0.00	0.37	120.51
Total Construction Emissions	464.76	0.00	0.16	0.03	10.71	464.80
Total Amortized Construction Emissions (30 years)	9.30	0.00	0.00	0.00	0.01	***9.31***
Operational Emissions						
Direct Emissions						
• Area Source[2]	94.76	0.00	0.54	0.00	0.04	*95.34*
• Mobile Source[2, 3]	483.00	0.04	11.17	0.03	0.73	*494.90*
Total Direct Emissions[7]	***577.76***	***0.04***	***11.71***	***0.03***	***0.77***	***590.24***
Indirect Emissions						
• Electricity Consumption[4]	226.74	0.00	0.60	0.01	0.25	*227.59*
• Water Supply[5]	0.43	0.00	0.00	0.00	0.00	*0.43*
Total Indirect Emissions[7]	***227.17***	***0.00***	***0.60***	***0.01***	***0.25***	***228.02***
Total Project-Related GHG Emissions WITHOUT Reductions	827.57 $MTCO_2eq/yr$					

9 GHG emissions are presented in carbon dioxide equivalents (CO_2eq) in order to establish a comparable unit of measure. Each GHG is converted to CO_2eq based on its Global Warming Potential, which describes its effect on climate change relative to a similar amount of carbon dioxide.

Table 3.7-1, Continued
Estimated Greenhouse Gas Emissions

Source	CO_2	N_2O		CH_4		Total Metric Tons of CO_2eq/yr[6]
	Metric Tons/yr	Metric Tons/yr	Metric Tons of CO_2eq/yr[6]	Metric Tons/yr	Metric Tons of CO_2eq/yr[6]	
Total Project-Related Operational Emissions WITH 29 % Reductions	587.57 $MTCO_2eq/yr$[7]					

Notes:
1. Emissions calculated using CARB's Construction Equipment Emissions Table and the URBEMIS 2007 computer model.
2. Emissions calculated using URBEMIS 2007 computer model for CO_2 and the SCAQMD's *CEQA Handbook for N_2O and CH_4* (note that SCAQMD has the most comprehensive demand factors available).
3. Emissions calculated using URBEMIS 2007 computer model and EMFAC2007, *Highest (Most Conservative) Emission Factors for On-Road Passenger Vehicles and Delivery Trucks*.
4. Electricity Consumption emissions calculated using the SCAQMD's *CEQA Handbook* (note that SCAQMD has the most comprehensive demand factors available) and updated with factors from the California Energy Commission, *Reference Appendices for the 2008 Building Energy Efficiency Standards for Residential and Nonresidential Buildings*, revised June 2009.
5. Emissions are based on energy usage factors for water conveyance from the California Energy Commission, *Water Energy Use in California*, accessed July 2010. http://www.energy.ca.gov/research/iaw/industry/water.html
6. CO_2 Equivalent values calculated using the U.S. Environmental Protection Agency Website, *Greenhouse Gas Equivalencies Calculator*, http://www.epa.gov/cleanenergy/energy-resources/calculator.html, accessed July 2010.
7. Totals may be slightly off due to rounding.

Refer to **Appendix E,** *Greenhouse Gas Data,* for detailed model input/output data.

Indirect Project-Related Sources of Greenhouse Gases

Electricity Consumption. Energy Consumption emissions were calculated using the South Coast Air Quality Management District's (SCAQMD) *CEQA Air Quality Handbook,*[10] (as the SCAQMD has the most comprehensive factors available), the U.S. Energy Information Administration,[11] and project-specific land use data. The emission factors for electricity use (771.62 pounds of CO_2 per megawatt hour [MWh], 0.00659 pounds of N_2O per MWh, and 0.4037 pounds of CH_4 per MWh) were obtained from the U.S. Energy Information Administration. The proposed project would indirectly result in 227.59 $MTCO_2eq/yr$ due to electricity usage; refer to Table 3.7-1.

Water Supply. Water demand for the proposed uses would be approximately 28 acre-feet per year, based on typical water consumption rates for office uses. Domestic water is supplied by groundwater and surface water. Based on energy usage factors for from the California Energy Commission, groundwater pumping consumes approximately 1.46 kilowatt hours [kWh] per acre-foot per foot of lift.[12] Emissions from indirect energy impacts due to water supply would result in 0.43 $MTCO_2eq/yr$.

10 SCAQMD's *CEQA Air Quality Handbook, Table A9-11,* November 1993.

11 U.S. Energy Information Administration, *Domestic Electricity Emissions Factors 1999-2002.*

12 California Energy Commission, Water Energy Use in California, Accessed June 2010. http://www.energy.ca.gov/research/iaw/industry/water.html

Consistency With the California Attorney General's Mitigation Measures

The proposed project would incorporate several design features that are consistent with the California Office of the Attorney General's recommended measures to reduce GHG emissions. A list of the Attorney General's recommended measures and the proposed project's compliance with each applicable measure are listed in Table 3.7-2, *Project Consistency with the Attorney General's Recommendations*. The proposed project would incorporate sustainable practices which include water, energy, solid waste, land use, and transportation efficiency measures.

Table 3.7-2
Project Consistency with the Attorney General's Recommendations

Project Design Feature	Project Applicability	Percent Reduction
Energy Efficiency		
Incorporate green building practices and design elements.	**Compliant.** The proposed project would incorporate energy and water efficiency measures, as described below. The proposed project would utilize shade trees in the parking lot, and other shading mechanisms such as shades and blinds to optimize on-site energy performance.	2
Install energy efficient lighting (e.g., light emitting diodes [LEDs]), heating and cooling systems, appliances, equipment, and control systems.	**Compliant.** The proposed project would include energy efficient lighting. Light controls, timers, and sensors would be installed in the proposed building. Also, the building would be designed to take advantage of natural light.	1
Install efficient lighting, (including LEDs) for traffic, street and other outdoor lighting.		
Reduce unnecessary outdoor lighting.		
Use passive solar design, e.g., orient buildings and incorporate landscaping to maximize passive solar heating during cool seasons, minimize solar heat gain during hot seasons, and enhance natural ventilation. Design buildings to take advantage of sunlight.	**Compliant.** The proposed project would be oriented to take advantage of daylight and natural breezes.	1
Water Conservation and Efficiency		
Incorporate water-reducing features into building and landscape design.	**Compliant.** The proposed project would incorporate water-reducing features, water-efficient landscapes, and water-efficient irrigation in accordance with LEED guidelines.	1
Create water-efficient landscapes.		
Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and use water-efficient irrigation methods.		
Design buildings to be water-efficient. Install water-efficient fixtures and appliances.	**Compliant.** The proposed project would incorporate water-efficient fixtures and appliances.	1

Table 3.7-2, Continued
Project Consistency with the Attorney General's Recommendations

Project Design Feature	Project Applicability	Percent Reduction
Solid Waste Measures		
Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).	**Compliant.** The proposed project would reuse and recycle construction waste.	1
Provide easy and convenient recycling opportunities for residents, the public, and tenant businesses.	**Compliant.** The proposed project would include areas for recycling inside and outside of the courthouse.	1
Land Use Measures		
Ensure consistency with "smart growth" principles – mixed-use, infill, and higher density projects that provide alternatives to individual vehicle travel and promote the efficient delivery of services and goods.	**Compliant.** The proposed project is considered to be an infill project, as it is proposed on a vacant site within a developed portion of the city. Also, the proposed project is located within a quarter mile of residential, retail, open space, and office uses (suburban mixed-use). Together, infill and mixed-use projects result in a decrease in vehicle miles traveled (VMT) due to the proposed project's proximity to a variety of uses. This allows employees and visitors to take advantage of local transit, as well as bicycle and pedestrian travel.	15
Incorporate public transit into the project's design.	**Compliant.** The proposed project is located approximately 0.22 miles to an existing bus stop, providing employees and visitors the opportunity to utilize alternative modes of transportation which reduces VMT.	1
Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio.	**Compliant.** The proposed project would include public areas, such as plazas. The proposed project site is vacant and would not disturb existing trees; however, the project would incorporate landscaping into the project design.	1
Include pedestrian and bicycle facilities within projects and ensure that existing non-motorized routes are maintained and enhanced.	**Compliant.** The proposed project's design would include bicycle racks to encourage non-motorized travel. Also, Lakeport Boulevard contains improved sidewalks which promote pedestrian activity.	2
Promote "least polluting" ways to connect people and goods to their destinations.	**Compliant.** The proposed project is adjoined by an existing bicycle route along Lakeport Boulevard which terminates at the project site. This bicycle route is proposed to be extended to the east.	2
Require amenities for non-motorized transportation, such as secure and convenient bicycle parking.	**Compliant.** The proposed project would include bicycle racks.	Accounted for above
	Total % Reduction	***29***

In addition to being compliant with many of the Attorney General's recommended design features, the proposed project is also consistent with the California Environmental Protection Agency Climate Action Team proposed early action measures to mitigate climate change. These early action measures are designed to ensure that projects meet the Governor's climate reduction targets, and are documented in the *Climate Action Team Report to Governor Schwarzenegger at the Legislature*, March 2006. The early action measures are also included in the CARB Scoping Plan and are mandated under AB 32.

Consistency with the CARB Scoping Plan

A complete list of CARB Scoping Plan Measures/Recommended Actions needed to obtain AB 32 goals, as well as the Governor's Executive Order, are referenced in Table 3.7-3, *Recommended Actions for Climate Change Proposed Scoping Plan*. Of the 39 measures identified, those that would be considered to be applicable to the proposed project would primarily be those actions related to electricity and natural gas use and water conservation. Consistency of the proposed project with these measures is evaluated by each source-type measure below. Table 3.7-3 identifies which CARB Recommended Actions applies to the proposed project, and of those, whether the proposed project is consistent therewith.

AB 32 requires California to reduce its GHG emissions by approximately 28.5 percent below business as usual. CARB identified reduction measures to achieve this goal as set forth in the CARB Scoping Plan. The proposed project would facilitate development that would directly generate GHG emissions. Potential indirect GHG emissions could also be generated by incremental electricity consumption and waste generation. A detailed discussion of each applicable measure and if the proposed project conflicts with its implementation is provided below.

Table 3.7-3
Recommended Actions for Climate Change Proposed Scoping Plan

ID #	Sector	Strategy Name	Applicable to Project?	Will Project Conflict With Implementation?
T-1	Transportation	Pavley I and II – Light-Duty Vehicle GHG Standards	No	No
T-2	Transportation	Low Carbon Fuel Standard (Discrete Early Action)	No	No
T-3	Transportation	Regional Transportation-Related GHG Targets	**Yes**	No
T-4	Transportation	Vehicle Efficiency Measures	No	No
T-5	Transportation	Ship Electrification at Ports (Discrete Early Action)	No	No
T-6	Transportation	Goods-movement Efficiency Measures	**Yes**	No

Table 3.7-3, Continued
Recommended Actions for Climate Change Proposed Scoping Plan

ID #	Sector	Strategy Name	Applicable to Project?	Will Project Conflict With Implementation?
T-7	Transportation	Heavy Duty Vehicle Greenhouse Gas Emission Reduction Measure – Aerodynamic Efficiency (Discrete Early Action)	No	No
T-8	Transportation	Medium and Heavy-Duty Vehicle Hybridization	No	No
T-9	Transportation	High Speed Rail	No	No
E-1	Electricity and Natural Gas	Increased Utility Energy efficiency programs More stringent Building and Appliance Standards	**Yes**	No
E-2	Electricity and Natural Gas	Increase Combined Heat and Power Use by 30,000GWh	No	No
E-3	Electricity and Natural Gas	Renewable Portfolio Standard	No	No
E-4	Electricity and Natural Gas	Million Solar Roofs	No	No
CR-1	Electricity and Natural Gas	Energy Efficiency	**Yes**	No
CR-2	Electricity and Natural Gas	Solar Water Heating	No	No
GB-1	Green Buildings	Green Buildings	**Yes**	No
W-1	Water	Water Use Efficiency	**Yes**	No
W-2	Water	Water Recycling	No	No
W-3	Water	Water System Energy Efficiency	No	No
W-4	Water	Reuse Urban Runoff	No	No
W-5	Water	Increase Renewable Energy Production	No	No
W-6	Water	Public Goods Charge (Water)	No	No
I-1	Industry	Energy Efficiency and Co-benefits Audits for Large Industrial Sources	No	No
I-2	Industry	Oil and Gas Extraction GHG Emission Reduction	No	No
I-3	Industry	GHG Leak Reduction from Oil and Gas Transmission	No	No
I-4	Industry	Refinery Flare Recovery Process Improvements	No	No
I-5	Industry	Removal of Methane Exemption from Existing Refinery Regulations	No	No

Table 3.7-3, Continued
Recommended Actions for Climate Change Proposed Scoping Plan

ID #	Sector	Strategy Name	Applicable to Project?	Will Project Conflict With Implementation?
RW-1	Recycling and Waste Management	Landfill Methane Control (Discrete Early Action)	No	No
RW-2	Recycling and Waste Management	Additional Reductions in Landfill Methane – Capture Improvements	No	No
RW-3	Recycling and Waste Management	High Recycling/Zero Waste	**Yes**	No
F-1	Forestry	Sustainable Forest Target	No	No
H-1	High Global Warming Potential Gases	Motor Vehicle Air Conditioning Systems (Discrete Early Action)	No	No
H-2	High Global Warming Potential Gases	SF_6 Limits in Non-Utility and Non-Semiconductor Applications (Discrete Early Action)	No	No
H-3	High Global Warming Potential Gases	Reduction in Perflourocarbons in Semiconductor Manufacturing (Discrete Early Action)	No	No
H-4	High Global Warming Potential Gases	Limit High GWP Use in Consumer Products (Discrete Early Action, Adopted June 2008)	No	No
H-5	High Global Warming Potential Gases	High GWP Reductions from Mobile Sources	No	No
H-6	High Global Warming Potential Gases	High GWP Reductions from Stationary Sources	No	No
H-7	High Global Warming Potential Gases	Mitigation Fee on High GWP Gases	No	No
A-1	Agriculture	Methane Capture at Large Dairies	No	No

Source: California Air Resources Board, *Assembly Bill 32 Scoping Plan*, 2008.

Transportation

Action T-3 is based on the requirements of SB 375 which establishes mechanisms for the development of regional targets for reducing passenger vehicle GHG emissions. Through the SB 375 process, regions will work to integrate development patterns and the transportation network in a way that achieves the reduction of GHG emission while

meeting housing needs and other regional planning objectives. SB 375 requires CARB to develop, in consultation with the Lake County/City Area Planning Council (APC), passenger vehicle GHG emissions reduction targets for 2020 and 2035 by September 30, 2010. As the city is within the APC area, development of the proposed project would be consistent with Action T-3.

Action T-6 refers to the improvement of efficiency in goods movement activities. T-6 mainly addresses ports, but also includes a discussion on trucks and related facilities. The proposed project is located approximately 0.22 miles from an existing bus stop, providing employees and visitors the opportunity to utilize alternative modes of transportation which reduces VMT. Additionally, the proposed project is adjoined by an existing bicycle route along Lakeport Boulevard and provides pedestrian connectivity to the surrounding circulation system. Bicycle racks are also proposed for the courthouse. These features would ensure efficient movement of goods and helps reduce vehicular trips associated with the proposed project. Therefore, the proposed project would be consistent with Recommended Action T-6.

Electricity and Natural Gas

Action E-1 aims to reduce electricity demand by increased efficiency of Utility Energy Programs and adoption of more stringent building and appliance standards. The proposed project would incorporate shade trees, blinds, shades, energy efficient heating and cooling systems, and control systems in order to reduce energy demand of the proposed building. Therefore, the proposed project would help implement and would not conflict with Action E-1.

Recommended Action CR-1 refers to energy efficiency. Key energy efficiency strategies would include codes and standards, existing buildings, improved utility programs, solar water heating, and combined heat and power, among others. The proposed courthouse would be oriented to take advantage of passive solar design and natural breezes. Also, the project proposes to incorporate lighting sensors and controls to improve energy efficiency. Therefore, the proposed project would not obstruct implementation of Action CR-1.

Green Buildings

Recommended Action GB-1 expands the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings. The proposed project would be required to comply with the requirements of Title 24 of the California Administrative Code. The proposed project would also incorporate energy efficiency design features, such as shade trees and other shading mechanisms, as well as lighting and system controls to optimize energy performance. Therefore, the proposed project would not obstruct implementation of Action GB-1.

Water Use

Recommended Action W-1 pertains to implementation water use efficiency measures. The project proposes to incorporate water-efficient buildings and landscapes into the project design. Buildings would include water-efficient fixtures and appliances. The proposed project is consistent with and would not obstruct this Recommended Action.

Recycling and Waste Management

RW-3 relates to high recycling/zero waste and would apply to the proposed project. The project proposes to reuse and recycle construction and demolition waste. Additionally, the project would provide interior and exterior storage areas for recyclables in public areas. The proposed project would comply with Recommended Action RW-3.

Conclusion

The proposed project would result in the construction of a new courthouse for the Superior Court. As shown in Table 3.7-1, the proposed project would result in 827.57 $MTCO_2eq/yr$ of emissions without reductions associated with the project design features. To quantify GHG emissions reductions resulting from proposed project operations, CAPCOA has identified the percent reduction associated with such GHG mitigation measures (found in Appendix B of CAPCOA's *CEQA and Climate Change White Paper*). Based on the reduction measures in Table 3.7-2, the proposed project would reduce its GHG emissions 29 percent below the "business as usual"[13] scenario. Therefore, the proposed project's operational GHG emissions would be reduced to 587.57 $MTCO_2eq/yr$. AB 32 requires the reduction of GHG emissions to 1990 levels, which would require a minimum 28.5 percent reduction in "business as usual" GHG emissions for the entire state. In general, with implementation of proposed project design reduction features, the project would result in a 29 percent reduction in GHG emissions, and would have a less than significant impact with regards to GHG emissions. The CARB Scoping Plan analysis above demonstrates "that projected … emissions will be equal to or less than 1990 emissions."[14] As the proposed project would reduce its GHG emissions by 29 percent, it would be consistent with the goals established in AB 32. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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b) *Would the proposed project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases*?

[13] "Business as Usual" refers to the project-related GHG emissions before project design features are incorporated into the GHG calculations.

[14] California Air Pollution Control Officers Association, *CEQA and Climate Change*, January 2008.

Less than Significant Impact. The City of Lakeport does not have an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Therefore, the proposed project would not conflict with an adopted plan, policy, or regulation pertaining to GHGs. The City of Lakeport General Plan 2025 includes goals and policies related to energy efficiency and conservation, and green technologies. As presented in Table 3.7-2, the proposed project would incorporate measures intended to maximize energy efficiency, which would inherently reduce GHG emissions. Also, the proposed project would not result in substantial construction-related or operational GHG emissions, and proposed project design features would result in a 29 percent reduction in GHG emissions below the "business as usual" scenario, which exceeds the 28.5 percent reduction mandated by AB 32. The proposed project would not hinder the state's GHG reduction goals established by AB 32. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

References

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California Energy Commission, *Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004, Staff Final Report*, December 2006.

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Intergovernmental Panel on Climate Change, *Climate Change 2007: Synthesis Report. Contribution of Working Groups I, II and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, 2007.

Judicial Council of California, Administrative Office of the Courts, *Appellate Court Facilities Guidelines*, July 1, 2002.

RBF Consulting, *Lake County Courthouse Traffic Impact Analysis*, June 29, 2010.

Rimpo and Associates, *URBEMIS 2007* (version 9.2.4), June 2007.

South Coast Air Quality Management District, *CEQA Handbook*, 1993.

3.8 Hazards and Hazardous Materials

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
HAZARDS AND HAZARDOUS MATERIALS — Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

Discussion

a) *Would the proposed project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials*?

Less than Significant Impact. The proposed project would not require the routine transport, use, or disposal of hazardous materials beyond the limited quantities necessary for cleaning and maintenance activities. The use of these commonly available products would be used and stored in accordance with U.S. Environmental Protection Agency, Occupational Safety and Health Administration, State of California Environmental Protection Agency, and the Lake County Solid Waste Management District.

A review of available environmental databases maintained by the State Water Resources Control Board (SWRCB) and Department of Toxic Substances Control (DTSC) for sites that have been impacted by leaking underground fuel tanks (LUFT), non-fuel related cases

known as Spills, Leaks, Investigative Cleanup (SLIC), and other cleanup sites was conducted for the proposed project site and surrounding area (refer to **Appendix F**). The proposed project site is not listed among either of these databases, and the Phase I investigation for the site concluded that no recognized environmental conditions existed on-site.[15]

If hazardous waste is identified during construction, it will be transported by a licensed hazardous waste hauler to a disposal facility in accordance with regulations of the U.S. Environmental Protection Agency, the U.S. Department of Transportation, the Resource Conservation and Recovery Act (RCRA), and the State of California. For any RCRA wastes and California-regulated hazardous wastes, hazardous waste manifests will be prepared for transportation and disposal. For any California non-hazardous wastes, transportation and disposal will be documented on a non-hazardous waste manifest. Any potential hazardous building materials such as lead-based paint or asbestos containing materials will be surveyed by a licensed contractor and abated, if present, according to regulations from the Lake County Air Quality Management District. The potential for encountering impacts from the routine transport, use or disposal of hazardous materials would be less than significant. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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b) *Would the proposed project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment*?

Less than Significant with Mitigation. As described above, the proposed project would not include the storage or handling of any significant quantities of hazardous materials. During construction, the contractor would be required to adhere to BMPs as outlined in the SWPPP which includes measures to reduce accidental upset conditions of hazardous materials used during construction. Therefore, with adherence to the existing regulatory requirements from the agencies listed above, the potential impact from upset and accident conditions would be less than significant.

The proposed project is located within an area of Lake County known to have naturally occurring asbestos in soils weathered from serpentine bedrock materials that underlie the proposed project site and surrounding area. Therefore, the proposed project would be required to comply with LCAQMD Rules and Regulations. Chapter II, Article IV, Part V of the LCAQMD Rules and Regulations states that all construction projects located on a serpentine outcrop or alluvial material with greater than one percent asbestos should notify the LCAQMD of intended operations 30 days prior to construction activity. The project applicant would be required to file and receive approval of an asbestos-dust-hazard mitigation plan prior to construction activities. The applicant would also be

[15] URS Corporation, *Final Draft Phase I Environmental Site Assessment Report*, December 2009.

required to inform employees working on the proposed project site of the potential health risk of airborne asbestos and the requirements of the asbestos-dust-hazard mitigation plan (**Mitigation Measure AQ-2**, above). Therefore, with implementation of **Mitigation Measure AQ-2**, impacts from naturally occurring asbestos at the proposed project site would be less than significant.

Mitigation required: Mitigation Measure AQ-2, above.

Significance after Mitigation: Less than Significant.

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c) *Would the proposed project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school*?

Less than Significant Impact. No existing or proposed schools are located within one-quarter mile of the proposed project site; however, Mendocino College is located approximately 0.32 miles west of the proposed project, and Konocti Christian Academy is located approximately 0.30 miles north of the proposed project. As described above, the proposed project would have limited use of hazardous materials. As stated in section 3.8 a) above, the proposed project would adhere to all applicable local and state regulations, so that the project will have a less than significant impact on the nearby Mendocino College and Konocti Christian Academy. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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d) *Would the proposed project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment*?

No Impact. The proposed project was not identified during a review of applicable regulatory agency lists of known and potential hazardous waste sites, properties, of facilities currently under investigation for potential environmental violations, and those sites storing or using hazardous materials (Environmental Data Resources, Inc. [EDR]). The proposed project site is not included on the databases maintained by the DTSC and the SWRCB. In addition, according to the Phase I completed for the proposed project site, the review of environmental databases did not include the proposed project site and no recognized environmental conditions were found as part of the investigation that would create a significant hazard to the public or environment (URS, 2009). *Therefore, the AOC concludes there are no impacts.*

Mitigation required: None.

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e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area*?

Less Than Significant Impact. The proposed project site is not located within two miles of any airport and is not within an airport land use plan. The nearest operational, public airport is Lampson Field Airport, located approximately three miles south of the proposed project site. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area*?

No Impact. The proposed project site is not located within the vicinity of a private airstrip. *Therefore, the AOC concludes there are no impacts.*

Mitigation required: None.

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g) *Would the proposed project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan*?

Less than Significant Impact. Proposed construction methods such as site grading and facility installation are expected to interfere only minimally, if at all, with local traffic or roadways. The location of and construction methods for the proposed project would be designed and carried out in consultation with City of Lakeport requirements to ensure adequate police, ambulance, and fire personnel access to the proposed structure as well as to surrounding streets and development. During construction operations, access to the project site would be via existing roads, and it is not anticipated that new access routes or emergency evacuation plans would be required. Considering that the proposed project site is small and the construction involved at the site would not impact thoroughfares to a significant degree, the impact of the proposed project to emergency evacuation plans would be less than significant. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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h) *Would the proposed project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands*?

Less than Significant Impact. The proposed project is located in a developed area that is serviced by the Lakeport Fire Protection District. According to the Lake County GIS database, the proposed project area is not intermixed with or located adjacent to any wildlands. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

References

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Lake County Site Finder, GIS Application. Accessed June 29, 2010. Available at: http://gis.co.lake.ca.us/website/economicdev/

URS, *Final Draft Phase I Environmental Site Assessment, Proposed New Lakeport Courthouse*, December 2009.

3.9 Hydrology and Water Quality

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
HYDROLOGY AND WATER QUALITY — Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, in a manner that would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☒	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐

Discussion

a) *Would the proposed project violate any water quality standards or waste discharge requirements*?

Less than Significant Impact. Construction of the proposed project would involve earthwork and grading activities. These activities would disturb soil that, if exposed during a rain storm or high winds, could erode and cause silt and clay-laden sediment to become entrained in storm water runoff. Although erosion and subsequent sediment transport to receiving waters could occur, the potential at the proposed project site is low because: 1) the site is essentially

flat, and 2) sedimentation would be managed using standard construction and engineering BMPs. BMPs are standard construction practices used to reduce erosion and sedimentation. These practices include stabilizing the soil surface, reducing erosive energy of surface flow, filtering runoff, and capturing sediment-laden water. As discussed below, the SWPPP, in accordance with the existing NPDES permit, would require the construction contractor to implement, monitor, and maintain appropriate BMPs.

Construction equipment would require petroleum products such as diesel fuel, hydraulic fluid, and lubrication greases. Release or spillage from a vehicle or piece of equipment during maintenance or fueling could affect water quality if these petroleum products infiltrated into soil or were washed into nearby storm drains or directly into receiving waters. However, given that the volume of petroleum released during an incidental spill on a construction site is typically small (less than 25 gallons) and can be cleaned up immediately, impacts associated with petroleum spills during the construction phase are considered less than significant. Nevertheless, the SWPPP would include BMPs to manage any hazardous materials used during construction. BMPs are individual or combined measures that can be implemented in an effective and practicable manner on the proposed project site. When applied, BMPs prevent or minimize the potential release of contaminants into surface waters and groundwater. Implementation of standard construction procedures and precautions for working with petroleum and construction chemicals would further ensure that the impacts related to chemical handling during proposed project construction would be less than significant.

The federal Clean Water Act (CWA) regulates grading or construction occurring at project sites that are more than one acre in size. The RWQCB is the administering agency for the CWA in California. The NPDES permit program under Section 402(p) of the CWA controls water pollution by regulating storm water discharges into waters of the United States. Under the NPDES program, the construction contractor would be required to prepare a SWPPP and Erosion Control Plan. Implementation of these plans would manage storm water flow and prevent sediment generated during construction from flowing into receiving waters. The Erosion Control Plan would address BMPs to protect creeks (such as Forbes Creek, located approximately 0.15 miles north of the proposed project site) from sedimentation. BMPs can include minimizing or restricting earthwork during periods of rain, establishing a vegetative buffer between the construction area and the creeks, silt fencing, and straw bales to prevent runoff.

The proposed project may also require temporary dewatering during construction to complete the basement.[16] Dewatering activities would be temporary in nature and would be subject to the permitting requirements of the RWQCB, either as specified in the NPDES General Construction Permit or another NPDES permit issued by the RWQCB. The discharge permit would identify measures necessary to be implemented to avoid erosion and protect water quality in the receiving water and would include monitoring requirements for the

16 No site-specific groundwater data were available for the proposed project site; however, according to the California Department of Water Resources, wells in the general vicinity of the proposed project site indicate that the depth to groundwater is approximately 25 feet below ground surface.

discharge. With compliance with the legally-required NPDES permit discharge requirements, water quality impacts related to discharges of groundwater during construction dewatering would be less than significant.

The AOC would require its construction contractor to prepare a SWPPP, obtain the North Coast RWQCB's approval of the SWPPP, and implement and maintain the SWPPP. Therefore, the potential for construction-related surface water pollution as well as the water quality during operation would be minimized. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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b) *Would the proposed project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)*?

Less than Significant Impact. The proposed project site and surrounding area are generally developed with existing buildings and landscaped surfaces or roadways. The proposed project would not significantly affect groundwater resources because dewatering, if necessary, would temporarily remove groundwater with only localized and inconsequential effects to the regional groundwater system. In addition, the proposed project would include landscaped surfaces that would allow groundwater recharge. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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c) *Would the proposed project substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, in a manner that would result in substantial erosion or siltation on- or off-site*?

Less Than Significant Impact. The proposed project would not alter the course of a stream or river. As discussed above, the proposed project would not significantly alter the existing drainage patterns. The nearest body of water is Forbes Creek, located approximately 0.15 miles north of the proposed project site.

The proposed project would be required to incorporate BMPs during construction and operation. BMPs are consistent with guidelines provided in the California Stormwater BMP Handbook for substantiated erosion and siltation. In addition, the proposed project's surfaces would be covered by structures, pavement, or landscaping; and the proposed project's design would include vegetated swales or similar storm water

management techniques to slow runoff flow and trap sediment. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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d) *Would the proposed project substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site*?

Less than Significant Impact. Also see section 3.9 c), above. The proposed project would not significantly alter existing onsite drainage patterns that would cause on- or offsite flooding. The proposed project site is relatively flat and is located in a predominantly developed area. Based on topographic relief at the site, the groundwater flow direction is inferred to be to the east, down gradient toward Clear Lake. The proposed project would be designed to ensure adequate drainage facilities for storm capacities; therefore, there is a very low potential that the project would impede on receiving waters causing up-or down-stream flooding. In addition, the proposed project would adopt BMPs to incorporate inlet filtration devices to capture potential pollutants from the storm drain runoff and utilize landscape areas for percolation of runoff. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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e) *Would the proposed project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff*?

Less than Significant Impact. Also see sections 3.9 c) and d), above. The proposed project site covers approximately six acres. The proposed project does not propose an increase in impervious surfaces of a magnitude that would substantially increase the amount of runoff from the site. Therefore, the proposed project would not significantly alter existing onsite drainage patterns and storm water volumes would be expected to be similar to existing flows. In addition, as stated above, the proposed project would adopt BMPs to incorporate inlet filtration devices to capture potential pollutants from the storm drain runoff and utilize landscape areas for percolation of runoff. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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f) *Would the proposed project otherwise substantially degrade water quality*?

Less than Significant Impact. Also see sections 3.9 a), c), d), and e), above. Development projects can degrade water quality through temporary construction impacts or over the long term through operations. As stated above, construction of the proposed project would be in accordance with BMPs. Therefore, water quality degradation related to construction is less than significant. Operationally, the proposed project has a low potential of degrading water quality of receiving waters through the addition of contaminated runoff because the proposed project would implement operational BMPs that reduce water quality contaminants at the source, contain spills, and control runoff. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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g) *Would the proposed project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map*?

No Impact. The proposed project is limited to a new courthouse facility and would not include development of residential housing. In addition, according to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (Panel 491 of 1000), the proposed project site is located within Zone X: areas determined to be outside the 0.2 percent annual chance floodplain. Zone X is considered as an area of minimal flood hazard, determined to be outside the 500-year flood zone. The site would not cause any flooding to neighboring residences. *Therefore, the AOC concludes there are no impacts*.

Mitigation required: None.

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h) *Would the proposed project place within a 100-year flood hazard area structures that would impede or redirect flood flows*?

Less than Significant Impact. Also see discussion under section 3.9 g), above. The structures associated with the proposed project would not impede or redirect 100-year flood flows because it is not located within an identified 100-year flood zone. The structures would be designed so that storm water would flow around the structures and into the existing city storm drainage system. There would be no change in the overall water flow patterns, and the proposed project would not redirect flows or impede a 100-year flood. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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i) *Would the proposed project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam*?

Less than Significant Impact. The buildings and areas associated with the proposed project would not expose people or structures to a significant risk due to flooding, including flooding as a result of the failure of a dam or levee. The proposed project site has not been identified in a dam inundation area and is not otherwise protected by any levees.[17] *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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j) *Would the proposed project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow*?

Less Than Significant Impact. A seiche is a wave that oscillates in a large body of water as a result of seismic or atmospheric disturbances. No historic data exists to suggest that significant damage has occurred in the Lakeport area as the result of a seiche. Following a major seismic event in the region, a seiche could develop on Clear Lake; however, according to Figure 3.7-2 in the Lakeport General Plan EIR, the proposed project is not located in a seiche inundation zone. The proposed project site is approximately 45 miles from the Pacific Ocean, and separated by mountain ridges; therefore, the proposed project site would not be affected by a tsunami. Additionally, the relatively flat topography also precludes the site from risk of mudflows. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

References

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[17] Lake County Site Finder, GIS Application. Accessed June 29, 2010. Available at: http://gis.co.lake.ca.us/website/economicdev/

3.10 Land Use and Land Use Planning

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
LAND USE AND LAND USE PLANNING — Would the project:				
a) Physically divide an established community?	☐	☐	☒	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion

a) *Would the proposed project divide an established community*?

Less than Significant Impact. The proposed project is located in an area comprised of mixed uses, including predominantly retail and commercial development. Views north of the proposed project site include Lakeport Boulevard, vacant city-owned property, a small strip-mall shopping center to the northeast, and the Vista Point Shopping Center to the northwest. Views east of the proposed project consist of Bruno's Shopping Center, and a storage facility is located to the southeast. Vacant land is located south of the proposed project site, and the Lakeport Visitors Bureau and Highway 29 are located west of the proposed project site. Clear Lake is approximately one-half mile east of the proposed project.

The proposed project would not cause a significant physical division within the established community, nor would the proposed project create land use and planning impacts that would physically divide an established community. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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b, c) *Would the proposed project conflict with any applicable land use plan, policy or regulation of an agency, or conflict with any applicable habitat or natural community conservation plan*?

No Impact. Since the AOC is the proposed project's lead agency and is acting for the State of California's Judicial Council, local government land use planning and zoning regulations do not apply to the proposed project. The City of Lakeport General Plan 2025 land use designation for the proposed project site is MR (Major Retail), and the zoning designation is C-2 (Major Retail); therefore, the proposed project is consistent with the

city's general plan and the parcel's zoning classification. Furthermore, the site is not located within a habitat or natural community conservation plan designated area. *Therefore, the ACO concludes there are no impacts*.

Mitigation required: None.

References

Administrative Office of the Courts (AOC), Office of Court Construction and Management, 2008. *Project Feasibility Report, Superior Court of California, County of Lake, New Lakeport Courthouse.* July 1.

City of Lakeport, General Plan 2025, adopted August, 2009.

City of Lakeport Zoning Ordinance, Revised July 2008. Accessed: June 29, 2010. Available at: http://www.cityoflakeport.com/docs/ZONING-ORD-BY-CHAPTER-revised2008-amend-518200951709PM.pdf

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3.11 Mineral Resources

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
MINERAL RESOURCES — Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Discussion

a) *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state*?

No Impact. There are no active mining or mineral extraction operations within the City of Lakeport limits; therefore, the proposed project would not result in the loss of availability of a regionally-important mineral resource. *Therefore, the AOC concludes there are no impacts*.

Mitigation required: None.

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b) *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan*?

No Impact. No mineral resources are known to exist at the proposed project site; therefore, the proposed project would not result in the loss of availability of a locally-important mineral resource. *Therefore, the AOC concludes there are no impacts*.

Mitigation required: None.

References

City of Lakeport, General Plan 2025, adopted August, 2009.

City of Lakeport, General Plan Update Draft Environmental Impact Report, November 2008.

3.12 Noise and Vibration

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
NOISE — Would the project:				
a) Result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☒
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Background Information

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air, and is characterized by both its amplitude and frequency (or pitch). The human ear does not hear all frequencies equally. In particular, the ear deemphasizes low and very high frequencies. To better approximate the sensitivity of human hearing, the A-weighted decibel scale (dBA) has been developed. On this scale, the human range of hearing extends from approximately 3 dBA to around 140 dBA.

Noise is generally defined as unwanted or excessive sound, which can vary in intensity by over one million times within the range of human hearing; therefore, a logarithmic scale, known as the decibel scale (dB), is used to quantify sound intensity. Noise can be generated by a number of sources, including mobile sources such as automobiles, trucks, and airplanes, and stationary sources such as construction sites, machinery, and industrial operations. Noise generated by mobile sources typically attenuates (is reduced) at a rate between 3 dBA and 4.5 dBA per doubling of distance. The rate depends on the ground surface and the number or type of objects between the noise source and the receiver. Hard and flat surfaces, such as concrete or asphalt, have an attenuation rate of 3 dBA per doubling of distance. Soft surfaces, such as uneven or vegetated terrain, have an attenuation rate of about 4.5 dBA per doubling of distance. Noise generated by stationary sources typically attenuates at a rate between 6 dBA and about 7.5 dBA per doubling of distance.

A number of metrics are used to characterize community noise exposure, which fluctuate constantly over time. One such metric, the equivalent sound level (L_{eq}), represents a constant sound that, over the specified period, has the same sound energy as the time-varying sound. Noise exposure over a longer period of time is often evaluated based on the Day-Night Sound Level (L_{dn}). This is a measure of 24-hour noise levels that incorporates a 10-dBA penalty for sounds occurring between 10 PM and 7 AM The penalty is intended to reflect the increased human sensitivity to noises occurring during nighttime hours, particularly at times when people are sleeping and there are lower ambient noise conditions. Typical L_{dn} noise levels for light and medium density residential areas range from 55 dBA to 65 dBA.

Two of the primary factors that reduce levels of environmental sounds are increasing the distance between the sound source and the receiver and having intervening obstacles such as walls, buildings, or terrain features between the sound source and the receiver. Factors that act to increase the loudness of environmental sounds include moving the sound source closer to the receiver, sound enhancements caused by reflections, and focusing caused by various meteorological conditions.

City of Lakeport General Plan

The City of Lakeport General Plan 2025 contains goals and policies to provide its residents with an environment that is free from excessive noise and promote compatibility of land uses with respect to noise. The noise standards used by the City of Lakeport comply with state standards and include the Land Use Compatibility Standards for Community Noise environment below. The compatibility standards are shown in Table 3.12-1, *Noise and Land Use Compatibility Standards*.

Table 3.12-1
Noise and Land Use Compatibility Standards

Land Use	Maximum Exterior Noise Level
Residential Development	Up to 60 dB
Transient Lodging: Motel and Hotel	Up to 60 dB
School, Library, Church, Hospital and Nursing Home	Up to 60 dB
Auditorium, Concert Hall, Amphitheater, Sports Arena	Up to 70 dB
Sports Arena, Outdoor Spectator Sports	Up to 75 dB
Playgrounds, Neighborhood Parks, Open Space	Up to 70 dB
Golf Course, cemetery	Up to 70 dB
Office Building, Business, Commercial & Professional	Up to 65 dB
Industrial, Manufacturing, Utilities	Up to 70 dB

Source: Quad Knopf, General Plan 2025, IX. Noise Element, Table 15 - Noise and Land Use Compatibility Standards, Page IX-5, dated August 2009.

City of Lakeport Municipal Code

The City of Lakeport's Municipal Code, Section 17-28, Performance Standards, regulates the design and use of buildings or parcels of land, in order to minimize public hazards and to prevent the creation of nuisances and other conditions which are potentially harmful or detrimental to the uses of the property or surrounding area. Certain noise levels are detrimental to the health and safety of individuals. Excessive noise is considered a public nuisance and is discouraged within the City of Lakeport. According to the Municipal Code, in no case shall noise or sound emissions, for any use occurring on any property, exceed the equivalent sound pressure levels and decibels (the A-weighted scale) for any fifteen-minute period in any one-hour period as stipulated in Table 3.12-2, *Noise Level Criteria*, below:

Table 3.12-2
Noise Level Criteria

Time of Day	Receiving Property Zoning District		
	*Residential	Commercial	Industrial
7 a.m. – 10 p.m.	60	70	75
10 p.m. – 7 a.m.	45	55	60

*NOTE: The residential category includes all single-family and multifamily zoning districts.
Source: City of Lakeport Municipal Code, Section 17-28.010 A.

The maximum noise levels listed in Table 3.12-2 are applicable at any point beyond the property lines of the property containing or generating the noise.

Existing Conditions

Stationary Sources

The primary sources of stationary noise in the proposed project vicinity are urban-related activities (i.e., mechanical equipment, parking areas, and pedestrians). The proposed project site is a vacant six acre parcel adjacent to the existing Lakeport Visitors Bureau. The proposed project borders Lakeport Boulevard to the north, the Visitors Bureau to the west, open space to the south, and Bruno's Shopping Center to the east. The noise associated with these sources may represent a single-event noise occurrence, short-term or long-term/continuous noise.

Mobile Sources

Mobile source noise was modeled using the Federal Highway Administration's Highway Noise Prediction Model (FHWA RD-77-108), which incorporates several roadway and site parameters. The model does not account for ambient noise levels. Noise projections are based on modeled vehicular traffic as derived from the *Lake County Courthouse Traffic Impact Analysis* prepared by RBF Consulting (June 29, 2010). A 30 to 35 mile per hour average vehicle speed was assumed for existing conditions based on posted maximum speeds along Lakeport Boulevard and Main Street. Average daily traffic estimates were derived from the *Traffic Impact Analysis*. Existing modeled traffic noise levels are shown in Table 3.12-3, *Existing Traffic Noise Levels*. Refer to **Appendix G,** *Noise Measurements and Vibration Data,* for additional information.

Table 3.12-3
Existing Traffic Noise Levels

Roadway Segment	Existing Conditions				
	ADT	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)		
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour
Lakeport Boulevard					
Between Bevins Street and Larrecou Lane	5,840	59.6	101	32	10
Between Larrecou Lane and Main Street	5,750	59.5	99	31	10
Main Street					
North of Lakeport Boulevard	6,670	58.7	82	26	8
South of Lakeport Boulevard	4,950	57.4	61	19	6

Notes: ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level.
Source: RBF Consulting, *Lake County Courthouse Traffic Impact Analysis* prepared by RBF Consulting, prepared June 29, 2010.

Discussion

a) *Would the project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies*?

Less than Significant with Mitigation. Construction activity noise levels at and near the proposed project site would fluctuate depending on the particular type, number, and duration of uses of various pieces of construction equipment. Construction-related trips would raise ambient noise levels along haul routes, depending on the number of haul trips made and types of vehicles used. Table 3.12-4, *Typical Construction Noise Levels*, provides a description of construction noise levels during specific construction stages. The nearest sensitive receptors are residences located approximately 340 feet northeast of the proposed project site. Construction activities associated with the proposed project would be temporary in nature and related noise impacts would be short-term. Proposed project construction is planned to commence in 2012 and be completed in 2014. However, since construction activities could substantially increase ambient noise levels at noise-sensitive locations, construction noise could result in potentially significant, albeit temporary, impacts to sensitive receptors.

Table 3.12-4
Typical Construction Noise Levels

Construction Activity	Noise Level (dBA, Leq)[a]
Ground Clearing	84
Excavation	89
Foundations	78
Erection	85

Table 3.12-4, Continued
Typical Construction Noise Levels

Construction Activity	Noise Level (dBA, Leq)a
Finishing	89

Average noise levels correspond to a distance of 50 feet from the noisiest piece of equipment associated with a given phase of construction and 200 feet from the rest of the equipment associated with that phase.
Source: U.S. Environmental Protection Agency, Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances, 1971.

Implementation of **Mitigation Measures NOI-1** through **NOI-3** would reduce this construction-related impact to a less than significant level.

Mitigation Measure NOI-1: Construction shall commence no earlier than 7:00 a.m. and cease no later than 6:00 p.m. on weekdays. Construction work might occur on Saturdays; if so, it shall commence no earlier than 9:00 a.m. and cease no later than 6:00 p.m.

Mitigation Measure NOI-2: To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement the following measures which shall be ongoing through grading and construction:

- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).

- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

- Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporated insulation barriers, or other measures to the extent feasible.

Mitigation Measure NOI-3: Prior to any ground disturbance activities, the AOC shall develop a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction. These measures shall include the following:

- A procedure and phone numbers for notifying the AOC project manager and the construction contractor (during regular construction hours and off-hours);

- A sign posted on-site pertaining the permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of the construction contractor's telephone numbers (during regular construction hours and off-hours);

- The designation of an on-site construction complaint and enforcement manager for the project. The manager shall act as a liaison between the project and its neighbors. The manager's responsibilities and authority shall include the following:

    - An active role in monitoring project compliance with respect to noise;
    - Ability to reschedule noisy construction activities to reduce effects on surrounding noise sensitive receivers;
    - Site supervision of all potential sources of noise (e.g., material delivery, shouting, debris box pick-up and delivery) for all trades; and
    - Intervening or discussing mitigation options with contractors.

- Notification of adjacent property owners and occupants at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and

- A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

Significance after Mitigation: Less than Significant.

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b) *Would the project result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels*?

Less than Significant with Mitigation. Certain land uses are particularly sensitive to noise, including schools, hospitals, rest homes, long-term medical and mental care faculties, and parks and recreation areas. The types of construction vibration impact include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. Typical vibration produced by construction equipment is illustrated in Table 3.12-5, *Vibration Velocities for Construction Equipment*.

Table 3.12-5
Vibration Velocities for Construction Equipment

Equipment	Approximate peak particle velocity at 25 feet (inches/second)	Approximate peak particle velocity at 75 feet (inches/second)
Pile Driver (sonic/vibratory) Upper Range Typical	 0.734 0.170	 0.141 0.033
Large Bulldozer	0.089	0.017
Loaded Trucks	0.076	0.015
Small bulldozer	0.003	0.001
Auger/drill rigs	0.089	0.017
Jackhammer	0.035	0.007
Vibratory Hammer	0.035	0.007

Notes:
1. Peak particle ground velocity measured at 25 feet unless noted otherwise.
2. Root mena square amplitude ground velocity in decibels (VdB) referenced to 1 micro-inch/second
Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, May 2006.

The Federal Transit Administration (FTA) has published standard vibration velocities for construction equipment operations. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.20 inch/second) appears to be conservative. As indicated in Table 3.12-5, based on the FTA data, vibration velocities from typical heavy construction equipment operations that would be used during proposed project construction range from 0.003 to 0.734 inch-per-second peak particle velocity (PPV) at 25 feet from the source of activity. At 75 feet from the source of activity, vibration velocities range from 0.001 to 0.141 inch-per-second PPV. With regard to the proposed project, ground-borne vibration would be generated primarily during site clearing and grading activities on-site and by off-site haul-truck travel.

Grading and construction of infrastructure and buildings is not anticipated to generate excessive ground-borne vibration or ground-borne noise levels that would negatively impact the Lakeport Visitors Bureau to the west, Bruno's Shopping Center to the east, or the nearest sensitive receptors which are located 340 feet to the northeast. Equipment operating during construction activities would not generate ground-borne vibration and noise levels that would exceed the FTA criteria of 0.2 PPV for structural damage. Less than significant impacts are anticipated in this regard with incorporation of **Mitigation Measures NOI-1** through **NOI-3.**

Mitigation required: Mitigation Measures NOI-1 through **NOI-3**, above.

Significance after Mitigation: Less than Significant.

c) *Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project*?

Less than Significant Impact.

Mobile Noise Impacts

If the ambient noise environment is quiet and the new source increases the noise exposure, an impact may occur even though a criterion level might not be exceeded. In areas where the ambient noise level is less than 60 dBA, any increase in community noise louder than 5 dBA or greater is considered a significant impact. In areas where the ambient noise level without a project is 60 dBA to 65 dBA, an increase in the ambient noise level of greater than 3 dBA would be significant impact. In areas where the ambient noise level is greater than 65 dBA, any increase in community noise louder than 1.5 dBA or greater is considered a significant impact.

Future development generated by the proposed project would result in additional traffic on adjacent roadways, thereby increasing vehicular noise in the vicinity of existing and proposed land uses. The "Long-Term Without Project" and "Long-Term With Project" scenarios were compared. According to Table 3.12-6, *Long-Term Traffic Noise Levels*, under the "Long-Term Without Project" scenario, noise levels at a distance of 100 feet from centerline would range from approximately 59.7 dBA to 62.3 dBA. The highest noise levels would occur along Lakeport Boulevard, between Bevins Street and Larrecou Lane. The "Long-Term With Project" scenario would result in a maximum noise level increase to 62.5 dBA also along the same roadway segment. Since the greatest traffic noise level increase is less than 1.5, a less than significant impact would occur in this regard.

Table 3.12-6
Long-Term Traffic Noise Levels

Roadway Segment	Long-Term Without Project					Long-Term With Project					Difference In dBA @ 100 Feet from Roadway
	ADT	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
Lakeport Boulevard											
Between Bevins Street and Larrecou Lane	10,870	62.3	187	59	19	11,400	62.5	197	62	20	0.2
Between Larrecou Lane and Main Street	10,830	62.2	187	59	19	10,870	62.3	187	59	19	0.1
Main Street											
North of Lakeport Boulevard	13,820	61.9	171	54	17	13,850	61.9	171	54	17	0
South of Lakeport Boulevard	8,460	59.7	104	33	10	8,470	59.7	105	33	10	0

ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level
Source: RBF Consulting, *Lake County Courthouse Traffic Impact Analysis* prepared by RBF Consulting, prepared June 29, 2010.

Stationary Noise Impacts

Operational noise would increase since the proposed project would replace vacant land. The new courthouse would be approximately 51,000 square feet and include four courtrooms with associated support office space and a parking area with approximately 120 spaces. Sources of operational noise would be typical of indoor and outdoor activities associated with courthouse buildings. These activities do not generate excessive amounts of noise, and typically occur during daytime hours. Noise associated with these sources is not expected to result in significant noise levels.

Cumulative Mobile Source Impacts

The cumulative mobile noise analysis is conducted in a two-step process. First, the combined effects from both the proposed project and other projects are compared. Second, for combined effects that are determined to be cumulatively significant, the proposed project's incremental effects are analyzed. The proposed project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds the perception level (i.e., auditory level increase) threshold. The combined effects compares the "Long-Term With Project" condition to "Existing" conditions to account for the traffic noise increase due to the proposed project and traffic due to projects based on the cumulative projects list. The following criteria have been utilized to evaluate the combined effect of the cumulative noise increase:

Combined Effects: The cumulative with project noise level ("Long-Term With Project" increase above Existing ambient) causes the following:

- An increase of the existing ambient noise level by 5 dB or more, where the existing ambient level is less than 60 dB CNEL
- An increase of the existing ambient noise level by 3 dB or more, where the existing ambient level is 60 to 65 dB CNEL
- An increase of the existing ambient noise level by 1.5 dB or more, where the existing ambient level is greater than 65 dB CNEL

Incremental Effects: A project increases the ambient ("Long-Term Without Project" versus "Long-Term With project") noise level by 1 dB or more.

Noise by definition is a localized phenomenon, and drastically reduces as distance from the source increases. Consequently, only projects and growth due to occur in the general vicinity of the project site would contribute to cumulative noise impacts. Table 3.12-7, *Cumulative Noise Scenario*, lists the traffic noise effects along roadway segments in the project vicinity for "Existing Conditions," "Long-Term Without Project," and "Long-Term With Project," including incremental and net cumulative impacts.

First, it must be determined whether the *Combined Effects* criteria is exceeded. Per Table 3.12-7, this criteria is not exceeded along any of the study segments. Secondly, based on the results of Table 3.12-7, the *Incremental Effects* criteria is not exceeded along any of the

study segments. The proposed project would not result in long-term mobile noise impacts based on project-generated traffic as well as cumulative and incremental noise levels. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Table 3.12-7
Cumulative Noise Scenario

Roadway Segment	Existing	Long-Term Without Project	Long-Term With Project	Combined Effects	Incremental Effects	Cumulatively Significant Impact?
	dBA @ 100 feet from Roadway Centerline	dBA @ 100 feet from Roadway Centerline	dBA @ 100 feet from Roadway Centerline	Difference in dBA between "Existing" and "Long-Term With Project"	Difference in dBA between "Long-Term Without Project" and "Long-Term With Project"	
Lakeport Boulevard						
Between Bevins Street and Larrecou Lane	59.6	62.3	62.5	2.7	0.2	No
Between Larrecou Lane and Main Street	59.5	62.2	62.3	2.7	0.1	No
Main Street						
North of Lakeport Boulevard	58.7	61.9	61.9	3.2	0	No
South of Lakeport Boulevard	57.4	59.7	59.7	2.3	0	No

ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level
Source: RBF Consulting, *Lake County Courthouse Traffic Impact Analysis* prepared by RBF Consulting, prepared June 29, 2010.

Mitigation required: None.

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d) *Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Less than Significant with Mitigation. Refer to section 3.12 a), 3.12 b), and 3.12 c) above.

Mitigation required: Mitigation Measures NOI-1 through **NOI-3**, above.

Significance after Mitigation: Less than Significant.

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e) *For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels*?

No Impact. The proposed project is not located within an airport land-use plan or within 2 miles of a public airport. The nearest public airport is the Lampson Field Airport, located in Lakeport, approximately 2.87 miles located south of the proposed project site. *Therefore, the AOC concludes there are no impacts.*

Mitigation required: None.

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f) *For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels*?

No Impact. The proposed project is not located in the vicinity of a private airstrip. *Therefore, the AOC concludes there are no impacts.*

Mitigation required: None.

References

City of Lakeport, *Lakeport Municipal Code*, December 15 ,2009.

Cyril M. Harris, *Handbook of Noise Control*, 1979.

Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Guidelines*, May 2006.

Quad Knopf, *City of Lakeport General Plan 2025*, August 2009.

Quad Knopf, *City of Lakeport General Plan Update Draft Environmental Impact Report*, November 2008.

RBF Consulting, *Lake County Courthouse Traffic Impact Analysis*, June 29, 2010.

U.S. Environmental Protection Agency Office of Noise Abatement and Control, *Noise Effects Handbook-A Desk Reference to Health and Welfare Effects of Noise*, October 1979 (revised July 1981).

3.13 Population and Housing

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
POPULATION AND HOUSING — Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

a) *Would the project induce substantial population growth in an area, either directly or indirectly*?

Less than Significant Impact. The proposed project would construct a new courthouse on an approximately six-acre site located at 675 Lakeport Boulevard. The proposed project is intended to incorporate the existing functions of the court space in the existing Lakeport Courthouse building. The proposed project does not include a residential component and is located in a developed area of the city, which is fully supported by infrastructure including roads and utilities. In addition, the proposed project would not require an increase in the number of staff needed at the facility. The proposed project would not directly or indirectly induce substantial population growth. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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b) *Would the project displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere*?

No Impact. The proposed project would construct a new courthouse on a site that is currently vacant. No existing housing or other residential dwellings are currently located on the proposed project site. There are no expected impacts regarding the displacement of substantial amounts of existing housing units that would necessitate the construction of replacement housing elsewhere. *Therefore, the AOC concludes there are no impacts.*

Mitigation required: None.

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c) *Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere*?

No Impact. The proposed project would construct a new courthouse on a site that is currently vacant. No existing housing or other residential dwellings are currently located on the proposed project site, and the proposed project does not include any residential component. The proposed project would not result in the displacement of substantial numbers of people that would necessitate the construction of replacement housing elsewhere. *Therefore, the AOC concludes there are no impacts*.

Mitigation required: None.

References

Administrative Office of the Courts (AOC), Office of Court Construction and Management, 2008. *Project Feasibility Report, Superior Court of California, County of Lake, New Lakeport Courthouse.* July 1.

3.14 Public Services

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
PUBLIC SERVICES — Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☐	☒

Discussion

Would the proposed project result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

a.i) *Fire protection*?

Less than Significant Impact. The proposed project is located within the Lakeport Fire Protection District, which provides fire protection and emergency medical services for the City of Lakeport and surrounding areas with a total coverage area of 42.5 square miles. The Lakeport Fire Protection District is an independent fire district that was formed in 1894 to provide fire protection to the City of Lakeport. In 1956, the Lakeport County Fire Protection District was formed to provide fire protection to the unincorporated areas of Lakeport. The Lakeport County Fire Protection District merged with the Lakeport Fire Department, forming the Lakeport Fire Protection District. The Lakeport Fire Protection District operates out of two fire station locations: Headquarters (Station 50), and the substation (Station 52).

The Lakeport Fire Protection District responds to over 2,200 calls per year, including structure and wildland fires, vehicle accidents, and medical aid. The Lakeport Fire Protection District is a combination department, with both paid and volunteer staff. Paid staff include one Chief, one Deputy Chief, three Captains, six firefighters, and one

District Secretary. Volunteer staff include eight Fire Apparatus Engineers and 12 firefighters.[18]

The nearest fire station to the proposed project site is Lakeport Fire Protection District's headquarters, Station 50, which is located at 445 North Main Street, approximately 0.8 miles northeast of the project site. This station is staffed with four personnel on duty at all times. The Lakeport Fire Protection District's substation (Station 52), is located at 3600 Hill Road East, approximately 3.5 miles north of the proposed project site.

The average response time for Fire and Emergency Medical Services (EMS) within the District is three to four minutes, and the average remote distance response time is eight minutes.[19] The proposed project would not affect acceptable response times or service ratios since the courthouse would not create a substantial increase in population or service needs as compared to the existing facility. There would be no need for new fire department facilities. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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a.ii) *Police protection*?

Less than Significant Impact. The proposed project is located within the jurisdiction of the Lakeport Police Department, which provides 24-hour police protection for the city, including patrol, traffic and parking enforcement, investigations, a school resource officer, special response team, narcotics task force and community crime prevention. The department is located at 916 North Forbes Street, and has 13 sworn police professionals and four civilian police professionals. The city maintains a mutual aid agreement with the Lake County Sheriff's Department. Dispatch is coordinated through the Lake County Sheriff, including 911 calls.[20]

The proposed project is the construction and operation of a new courthouse facility. The Lake County Sheriff's Department provides most of the security at the courthouse facilities, and would continue to provide security services to the new courthouse facility through its contract with the court. Security screening is provided by a private security company.

Lake County Deputy Sheriffs are assigned as bailiffs to the court and provide security services to the courtrooms only while court is in session. The existing courthouse has

18 Lakeport Fire District. Available at: http://www.lakeportfire.com/about/. Accessed: July 12, 2010.

19 City of Lakeport, General Plan Update Draft Environmental Impact Report, November 2008.

20 City of Lakeport Police Department. Available at: http://www.cityoflakeport.com/departments/page.aspx?deptID=76&id=50. Accessed: July 12, 2010.

one full-time sergeant, seven 900-hour at will deputy sheriffs, and 3/5-time of one full-time deputy sheriff.[21]

The proposed project would consolidate court operations into one courthouse, which would have improved security features that increase the efficiency of the court's security operations. Sheriff and private security staffing requirements as a result of the proposed project would therefore be the same or slightly increased from current levels. With no significant security staffing increase, the proposed project would not have a substantial adverse physical impact on sheriff facilities nor would the proposed project require the construction of new facilities. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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a.iii) *Schools*?

No Impact. The proposed project is to construct a new courthouse facility to replace existing courthouse facilities. Residential development is not a part of the proposed project, nor would the proposed project cause population growth requiring schools. Although the proposed project is located within the Lakeport Unified School District, the project would not create a need for alteration to school facilities or new school construction. *Therefore, the AOC concludes there are no impacts.*

Mitigation required: None.

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a.iv) *Parks*?

No Impact. The proposed project does not involve residential development or recreational facilities and would not cause an increase in population or residential housing. The proposed project would not increase the use of parks or other recreational facilities or cause physical deterioration of a park or facility. *Therefore, the AOC concludes there are no impacts.*

Mitigation required: None.

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[21] Pers. Comm. with Captain James W. Bauman, Custody Branch Director, Public Information Officer, Lake County Sheriff's Department, July 17, 2010. Note: Staffing numbers listed above do not include personnel or services relating to the transportation and security of in-custody defendants by the County Sheriff Custody staff to the courthouse or while such inmates are at the courthouse.

a.v) *Other public facilities*?

No Impact. The proposed project does not involve residential development and would not cause an increase in population or residential housing. The proposed project would not increase the use of public facilities such as post offices, libraries, and hospitals, nor would the proposed project cause physical deterioration of any such facilities. *Therefore, the AOC concludes there are no impacts*.

Mitigation required: None.

References

Administrative Office of the Courts (AOC), Office of Court Construction and Management, 2008. *Project Feasibility Report, Superior Court of California, County of Lake, New Lakeport Courthouse*. July 1.

City of Lakeport, General Plan 2025, adopted August, 2009.

City of Lakeport, General Plan Update Draft Environmental Impact Report, November 2008.

City of Lakeport Police Department. Available at: http://www.cityoflakeport.com/departments/page.aspx?deptID=76&id=50. Accessed: July 12, 2010.

Pers. Comm. with Captain James W. Bauman, Custody Branch Director, Public Information Officer, Lake County Sheriff's Department, July 17, 2010.

Administrative Office of the Courts (AOC), Office of Court Construction and Management, 2008. *Project Feasibility Report, Superior Court of California, County of Lake, New Lakeport Courthouse*. July 1.

3.15 Recreation

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
RECREATION — Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

a) *Would the proposed project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated*?

No Impact. The proposed project does not involve residential development or parks or recreational facilities, and would not cause an increase in population or residential housing. The proposed project would not result in an increase in the use of neighborhood and regional parks or other recreational facilities. *Therefore, the AOC concludes there are no impacts.*

Mitigation required: None.

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b) *Would the proposed project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment*?

No Impact. The proposed project does not include any recreational facility components nor would it require expansion of recreational facilities. *Therefore, the AOC concludes there are no impacts.*

Mitigation required: None.

References

Administrative Office of the Courts (AOC), Office of Court Construction and Management, 2008. *Project Feasibility Report, Superior Court of California, County of Lake, New Lakeport Courthouse.* July 1.

City of Lakeport, General Plan 2025, adopted August, 2009.

City of Lakeport, General Plan Update Draft Environmental Impact Report, November 2008.

3.16 Transportation and Traffic

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
TRANSPORTATION AND TRAFFIC — Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☒	☐	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☒	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☒	☐	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☒	☐	☐

Discussion

a, b) *Would the proposed project conflict with an applicable plan, ordinance or policy, or congestion management policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit*?

Less than Significant with Mitigation. A *Traffic Impact Analysis* (June 2010) was prepared which identified potential traffic impacts that may be associated with the development of the proposed project. It included traffic analyses at intersections and street segments during typical weekday AM peak hours. The AM peak period is the most critical for court houses and presents a worst-case scenario. The traffic analysis for the proposed project includes six intersections:

- Parallel Drive / Lakeport Boulevard
- Highway 29 southbound ramps / Lakeport Boulevard
- Highway 29 northbound ramps / Lakeport Boulevard
- Bevins Street / Lakeport Boulevard
- Larrecou Lane / Lakeport Boulevard
- South Main Street / Lakeport Boulevard

Traffic counts for the above intersections and a speed survey were conducted on April 1, 2010. Counts were performed during the AM peak hour per guidance from the AOC. The traffic volumes along Lakeport Boulevard were increased by 6.9 percent to reflect seasonal trends as identified in the City of Lakeport General Plan 2025.

The City of Lakeport has established a Level of Service (LOS) C as the minimum acceptable LOS for overall intersection operations. The standard Caltrans LOS is the LOS C/D threshold in which LOS C is acceptable in all cases and LOS D is acceptable on a case-by-case basis. Caltrans has jurisdiction over the Highway 29 northbound (NB) and southbound (SB) ramp intersections with Lakeport Boulevard.

Existing Conditions

Synchro and Sidra, traffic operations analysis software programs, were used to determine the LOS for the weekday existing AM peak hour at each of the six intersections within the proposed project area. Under Existing Conditions, all six intersections operate at acceptable LOS, either LOS A or B, during the existing weekday AM peak hour (refer to **Appendix H**, for calculations and intersection volumes*).*

Existing Plus Background Conditions

Existing Plus Background Conditions include existing traffic plus the traffic generated by approved projects within the vicinity of the proposed project. All background projects were obtained from the City of Lakeport Planning Department website per Andrew Britton (Planning Services Manager). The trip generation for each project was calculated using the Institute of Transportation Engineers (ITE) Manual, *Trip Generation 7th Edition*, 2003. The trip distribution was calculated based on typical travel patterns in the city and engineering judgment. The background projects would generate approximately 284 AM peak hour trips (refer to **Appendix H,** *Traffic Impact Analysis*).

Traffic analysis was performed for the weekday Existing Plus Background AM peak hour at each of the study intersections within the proposed project area using Synchro and Sidra. All intersections would operate at an acceptable LOS (LOS C or better) (refer to **Appendix H**, for calculations and intersection volumes).

Existing Plus Background Plus Project Conditions

For the AM peak hour Existing Plus Background Plus Project Conditions development scenario, the proposed project trips were added to the Existing and Background trips, and then analyzed. All of the study intersections for Existing Plus Background Plus Project Conditions would continue to operate at acceptable LOS (LOS C or better) (refer to **Appendix H**, for calculations and intersection volumes*).*

The ITE Manual, *Trip Generation* 7th *Edition* is the most widely accepted reference for transportation professionals for determining trip generation rates for various land use types. However, the reference does not provide trip generation rates for courthouses.

Therefore, a methodology for determining the trip generation rate was developed based on a similar traffic study performed in San Diego, CA and with information provided by Superior Court staff.

In 2000, Linscott Law & Greenspan (LLG) prepared a Traffic Impact Analysis report for the San Diego County Courthouse. An employee survey, conducted in 1992 by San Diego County, was used to determine mode of travel, daily trips per person, and vehicle occupancy rates. In addition, the report assumed that 30 visitors/jurors were in each courtroom. The trip generation rate was calculated based on the number of employees and visitors/jurors and the results from the employee survey.

Similar methodology was used for the Lake County Courthouse *Traffic Impact Analysis*. It was assumed that the primary choice of transportation is a passenger car for each employee and visitor/juror. In addition, as in the LLG study, it was assumed that 25 percent of employees leave and return to the courthouse once during the day.

In order to determine the proposed project's AM peak hour trips, a comparison was made between the AM peak hour average rate and daily rate for General Office (Code 710) in the ITE *Trip Generation 7th Edition*. The General Office land use was used because it is similar to the proposed project and is slightly more conservative than the LLG study. This provided an AM percentage of the daily trips. This percentage was then applied to the daily trips to calculate the AM peak hour proposed project trips. The directional distribution identified in the LLG study was used to determine inbound and outbound proposed project trips.

At project build out, the proposed project would generate 403 daily trips; with 61 trips (55 in, 6 out) occurring during the AM peak hour.

Cumulative Conditions (Projected 2030 Traffic Conditions) Without the Project

The cumulative traffic volumes were analyzed at the six study intersections. Two of the study intersections would operate at acceptable LOS, while four intersections would operate at unacceptable LOS. The four intersections operating at unacceptable LOS are discussed in detail below.

The **Highway 29 SB Ramps / Lakeport Boulevard** intersection would operate at unacceptable LOS F during the AM peak hour with the southbound off-ramp approach also operating at LOS F.

The **Highway 29 NB Ramps / Lakeport Boulevard** intersection is forecast to operate at an overall LOS F during the AM peak hour. The worst approach is also forecast to operate at LOS F during the AM peak hour.

The **Bevins Street / Lakeport Boulevard** intersection is forecast to operate at an overall LOS A during the AM peak hour; however, the worst approach is forecast to operate at LOS F.

The **Main Street / Lakeport Boulevard** intersection is forecast to operate at an overall LOS E during the AM peak hour and the worst approach is forecast to operate at LOS F. It should be noted that this intersection was studied in the City of Lakeport General Plan 2025 and was forecast to operate at an overall LOS F during the PM peak hour. Refer to **Appendix H**, for details regarding calculations and cumulative peak hour volumes.

Cumulative Plus Project Conditions

The Cumulative Plus Project traffic volumes were analyzed at the six study intersections. Two of the study intersections would operate at acceptable LOS, while four intersections would operate at unacceptable LOS. The four intersections operating at unacceptable LOS are discussed in detail below.

The **Highway 29 SB Ramps / Lakeport Boulevard** intersection would continue to operate at unacceptable LOS F during the AM peak hour. The worst approach is also forecast to operate at LOS F.

The **Highway 29 NB Ramps / Lakeport Boulevard** intersection is forecast to continue to operate at an overall LOS F during the AM peak hour. The worst approach is also forecast to operate at LOS F.

The **Bevins Street / Lakeport Boulevard** intersection is forecast to continue to operate at an overall LOS A during the AM peak hour; however, the worst approach is forecast to operate at LOS F.

The **Main Street / Lakeport Boulevard** intersection is forecast to operate at an overall LOS E during the AM peak hour. The worst approach is forecast to operate at LOS F. It should be noted that this intersection was studied in the City of Lakeport General Plan 2025 and was forecast to operate at an overall LOS F during the PM peak hour.

Refer to **Appendix H**, for details regarding calculations and cumulative peak hour volumes.

Intersection Improvements

The City of Lakeport General Plan 2025 identifies either the installation of modern roundabouts or the signalization of the following four study intersections as part of the City's Long Range Roadway Improvement Program: Highway 29 SB Ramps / Lakeport Boulevard; Highway 29 NB Ramps / Lakeport Boulevard; Bevins Street / Lakeport Boulevard; and Main Street / Lakeport Boulevard. The installation of traffic signals is

anticipated to improve the operations of the intersections for Cumulative Conditions Without Project. The close spacing of the intersections would require the intersections to coordinate the signals:

The installation of a traffic signal at the **Highway 29 SB Ramps / Lakeport Boulevard** is anticipated to improve the operations of the intersection to LOS C during the Cumulative Without Project AM peak hour. The traffic signal would be coordinated with the Highway 29 NB Ramps / Lakeport Boulevard and Bevins Street / Lakeport Boulevard intersections. The signal would provide a protected left turn for westbound traffic. In addition, the southbound approach should be improved to include a 150-foot right turn lane to reduce vehicle queues.

The installation of a traffic signal at the **Highway 29 NB Ramps / Lakeport Boulevard** is anticipated to improve the operations of the intersection to LOS B during the Cumulative Without Project AM peak hour. The traffic signal would be coordinated with the Highway 29 SB Ramps / Lakeport Boulevard and Bevins Street / Lakeport Boulevard intersections. The signal would provide a protected left turn for eastbound traffic. In addition, the intersection should be re-striped to provide approximately 150 feet of vehicle storage length for the eastbound left turn lane. Also, the northbound approach should be improved to include a 200-foot right turn lane to reduce vehicle queues.

The installation of a traffic signal at the **Bevins Street / Lakeport Boulevard** intersection would improve the operations of the intersection to LOS C during the Cumulative Without Project AM peak hour. The traffic signal would be coordinated with the Highway 29 SB Ramps / Lakeport Boulevard and Highway 29 NB Ramps / Lakeport Boulevard intersections.

The installation of a traffic signal at the **Main Street / Lakeport Boulevard** intersection is anticipated to improve the operations of the intersection to LOS B during the Cumulative Without AM peak hour. The signal would be split phased in the east-west direction and protected in the north-south direction. The southbound right turn lane would have an overlap phase with the eastbound split phase.

The above improvements are recommended for the Cumulative Plus Project Conditions. Therefore, fairshare contributions for the intersection improvements would be required. Each of the intersections meets the California MUTCD signal warrant for peak hour traffic volumes. The LOS calculation sheets for mitigated intersection conditions are included in **Appendix H**.

Mitigation Measure TRANS-1 would reduce potential cumulative plus project impacts to a less-than-significant level.

TRANS-1: Prior to occupancy and the operation of the courthouse, the AOC would be required to pay the City of Lakeport the proposed project's fair share contribution towards improving the following intersections: Highway 29 SB Ramps / Lakeport

Boulevard; Highway 29 NB Ramps / Lakeport Boulevard; Bevins Street / Lakeport Boulevard; and Main Street / Lakeport Boulevard.

Significance after Mitigation: Less than Significant.

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c) *Would the proposed project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks*?

No Impact. The proposed project would not change air traffic patterns, increased air traffic levels or result in a change in location that would result in substantial safety risks. *Therefore, the AOC concludes there are no impacts.*

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d) *Would the proposed project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment*)?

Less than Significant with Mitigation. The initial field visit for the *Traffic Impact Analysis* and subsequent analysis to the proposed project intersections revealed that there are potential sight distance deficiencies for northbound left turn vehicles at the Lakeport Boulevard / Bevins Street intersection. This intersection is located at the top of a hill with the westbound approach being below grade. Exiting vehicles from northbound Bevins Street have sight distance constraints looking at the westbound approach of this intersection due to the crest curve and existing earth. During traffic counts/traffic analyses in April 2010, it was witnessed that left turn vehicles on the northbound approach were having trouble making the left turn from Bevins Street onto Lakeport Boulevard. Exiting vehicles were observed to make right turns and then make a U-turn at Larrecou Lane to continue westbound. A sight distance analysis was performed on this intersection.

The Larrecou Lane / Lakeport Boulevard intersection is the recommended main access driveway and is located approximately 30 feet below the proposed site. This intersection was also evaluated for sight distance (refer to **Appendix H**, for results of the sight distance analysis).

The sight distance analysis shows that left turning vehicles on the northbound approach at the Bevins Street / Lakeport Boulevard intersection do not have sufficient sight distance to safely proceed onto westbound Lakeport Boulevard under the existing configuration. It is recommended that earthwork be performed on the south eastern side of the intersection to regrade the area in order to increase the sight distance.

Proposed project traffic would be added to this intersection. Increasing the traffic at an intersection with a pre-existing sight distance safety hazard would result in the proposed project having an impact on safety. Therefore, fairshare contributions for the intersection

improvements would be required. **Mitigation Measure TRANS-2** would reduce potential impacts to less than significant levels.

TRANS-2: Prior to occupancy and the operation of the courthouse, the AOC would be required to pay the City of Lakeport the proposed project's fair share contribution towards improving the sight distance at the Bevins Street / Lakeport Boulevard interchange.

Significance after Mitigation: Less than Significant.

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e) *Would the proposed project result in inadequate emergency access*?

Less than Significant Impact. The proposed project site is located approximately 30 feet above Lakeport Boulevard. A site plan was not available to indicate the driveway access points to the proposed courthouse; therefore, four locations were evaluated for the proposed site (refer to **Figure 3**) and are discussed below.

Location 1: Off of Lakeport Boulevard positioned in center of project site: Location 1 is located off of Lakeport Boulevard at the center of the proposed site and would provide a central access point the courthouse. In order to accommodate the driveway at this location, significant grading would need to be performed to provide adequate sight distance and to construct the driveway up the grades to the elevation the proposed project site. In addition, the driveway would be located in between Larrecou Lane and a shopping center driveway. This would provide limited intersection spacing. It was determined that, due to the amount of earthwork needed and intersection spacing, this location is not feasible for site access.

Location 2: Off of Lakeport Boulevard across from Larrecou Lane: Location 2 is located at the Larrecou Lane intersection off of Lakeport Boulevard. This location would take advantage of an existing pathway and grading adjacent to the proposed project site. This location would provide adequate sight distance and would not limit intersection spacing. Grading would need to be performed but not to the degree of Location 1. It was determined that this location is feasible for site access and is recommended for the main access.

Location 3: Off of Bevins Street through the Lakeport Visitors Bureau parking lot: Location 3 takes advantage of the Lakeport Visitors Bureau parking lot, located above the proposed project site, to provide an access driveway. To accommodate this driveway location, grading and construction of retaining walls would need to be performed and the elimination of parking spaces would occur. It was determined that this location is not feasible for site access.

Location 4: Off of Bevins Street behind the Lakeport Visitors Bureau: Location 4 is located behind the Lakeport Visitors Bureau and would take advantage of an existing

pathway and grading adjacent to the proposed project site. Limited grading would need to be performed. It was determined that this location is a feasible site access and is recommended for secondary access for prisoner pick-up and drop-off.

The proposed project would conform to recommendations of the Superior Court of California, the Lake County Sheriff's Department, and the Lakeport Fire Department to ensure adequate emergency access considerations. The driveways would be required to be designed to accommodate emergency vehicles. There would be no blockage of access or traffic pattern disturbance that would significantly affect emergency access. Red curbs would be required along driveways and entrances to the courthouse to provide sufficient access response time for emergency vehicles. A fire lane would be required and on average should be approximately 20 feet in width at minimum and must be kept clear at all times. The proposed project would conform to design requirement for the Superior Court of California and the City of Lakeport. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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f) *Would the proposed project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities*?

Less than Significant with Mitigation. Lake Transit provides mass transit for Lake County and provides local and regional bus service for the City of Lakeport along four routes (Route 4, 4A, 7, and 8). Route 8 (Lakeport City) provides exclusive service for the City of Lakeport from Peckham Court in the south to Sutter Lakeside Hospital in the north. Routes 4 (South Shore) and 4A (Soda Bay) provide regional service to Clearlake and Kit's Corner, respectively, with limited city service. Route 7 (Lakeport – Ukiah) provides regional service from Lakeport to the Ukiah Municipal Airport, Greyhound, and Amtrak stations. The transfer point in the City of Lakeport is located on Main Street at the Third Street intersection. Currently, Routes 4, 4A, and 8 travel along Lakeport Boulevard in the vicinity of the proposed project. Route 4 does not stop in the vicinity of the proposed project, and Route 4A stops at Mendocino College on Parallel Drive, approximately ½ mile west of the proposed project site. Route 8 stops at Mendocino College and the Bevins Court Health Center on Bevins Street. There are currently no bus stops at the proposed project site.

It is recommended that bus stops be constructed immediately east and west of the Larrecou Lane / Lakeport Boulevard intersection per Lake Transit standards. The addition of the bus stops would provide direct access from the local bus system and indirect access from the regional bus system to and from the proposed project.

According to the 2006 Lake County Regional Bikeway Plan, the county has five bikeways. None of the bikeways are in the vicinity of the proposed project site. The

nearest bikeway facility is a Class II Bike Lane located on North High Street approximately 1.5 miles away. The Transportation Element of the City of Lakeport General Plan 2025 identifies Parallel Drive, Lakeport Boulevard, Bevins Street, and Main Street as future bikeway locations. **Mitigation Measures TRANS-3** and **TRANS-4** would reduce potential impacts to less than significant levels.

Mitigation Measure TRANS-3: Prior to occupancy and operation of the courthouse, bus stops shall be constructed immediately east and west of the Larrecou Lane / Lakeport Boulevard intersection per Lake Transit standards, in order to provide direct access from the local bus system and indirect access from the regional bus system to and from the proposed project.

Mitigation Measure TRANS-4: Prior to occupancy and operation of the courthouse, high visibility crosswalks shall be installed to provide safe access for pedestrians to and from the bus stops. In addition, pedestrian access should be provided throughout the proposed project with links to the existing pedestrian pathways and sidewalks.

Significance after Mitigation: Less than Significant.

References

City of Lakeport, General Plan 2025, adopted August, 2009.

City of Lakeport, General Plan Update Draft Environmental Impact Report, November 2008.

Dow & Associates, *Lake County Regional Bikeway Plan*. Adopted by the Lake County Area Planning Council on: August 9, 2006. Accessed: July 6, 2010. Available at: www.lakeapc.org/docs/2006%20Lake%20Regional%20Bikeway-Final.pdf

RBF Consulting, *Lake County Courthouse Traffic Impact Analysis*, June 29, 2010.

3.17 Utilities and Service Systems

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
UTILITIES AND SERVICE SYSTEMS — Would the project:				
a) Conflict with wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion

a) *Would the proposed project conflict with wastewater treatment requirements of the applicable Regional Water Quality Control Board*?

Less than Significant Impact. The proposed project would be served by the City of Lakeport Municipal Sewer District (CLMSD). Pursuant to City of Lakeport Ordinance No. 872 (2008), any residence or facility within the boundaries of CLMSD must connect to the municipal sanitary sewer system with limited exception. The boundaries of the CLMSD include areas within the City of Lakeport, in addition to a few unincorporated areas to the south and west. The CLMSD collection and treatment system spans approximately 135,400 feet of collector sewer mains and 13,500 feet of interceptor sewers.[22] The wastewater treatment facility is located at 795 Linda Lane, just southeast of the city limits. The treatment facility was constructed in the early 1990s for an average dry weather flow of one million gallons per day (mgd).

Wastewater produced by the proposed project would be limited to restroom facilities for the courthouse and is considered negligible. In addition, courthouse activities would not

[22] City of Lakeport Municipal Sewer District, *Sewer System Management Plan, 2010*. Available at: http://www.cityoflakeport.com/docs/SSMP-Final-512201062607PM.pdf. Accessed: July 12, 2010.

result in containment emissions that would require a higher wastewater treatment level since sanitary wastewater would only be generated during courthouse operations. Therefore, the existing wastewater system would be capable of handling the wastewater generated from the new facility.

The proposed project would primarily shift employees from existing facilities to the new courthouse location. Any increase in the number of employees attributable to the proposed project would be minimal. Thus, the amount of wastewater generated by the proposed project would be similar to that generated in existing facilities and would not require a higher level of treatment. The proposed project would not conflict with requirements of the Regional Water Quality Control Board. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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b) *Would the proposed project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects*?

Less than Significant Impact. The City of Lakeport would provide water and wastewater treatment services to the proposed project. The proposed project would construct one courthouse that replaces the existing facilities currently located in three separate locations. The amount of water used and wastewater generated daily would likely be the same as the existing amount of water used and wastewater generated.

As noted above, the proposed project is not anticipated to result in a substantial increase in employees. Therefore, the amount of water consumed by the proposed project would not result in the need to expand water facilities. The proposed project would connect to the existing water system and would not include the development of new water lines. Therefore, the impact would be less than significant.

As noted above, the proposed project is not anticipated to result in a substantial increase in employees. Therefore, the amount of wastewater generated by the proposed project would not result in the need to expand wastewater treatment facilities. The proposed project would connect to the existing wastewater system and would not include the development of new sewer lines. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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c) *Would the project require or result in the construction of new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects*?

Less than Significant Impact. The proposed project site is currently undeveloped; therefore, development of the new courthouse facility would include impervious surfaces. While it is anticipated that the proposed project may result in storm water runoff from non-storm and storm water discharges, as discussed in Section 3.9, Hydrology and Water Quality, the proposed project would be required to comply with NPDES regulations, ensuring that impacts to storm water drainage systems are minimized. Under the NPDES program, the construction contractor would be required to prepare a SWPPP and Erosion Control Plan. In addition, the city has adopted a Storm Water Management Plan (SWMP) which is designed to reduce the discharge of pollutants into Clear Lake and to enhance the water quality. The city has also adopted an ordinance that would prohibit non-storm water discharge into the city's storm drainage system. The design of the proposed project will meet all city and state requirements.

Implementation of the SWPPP, the Erosion Control Plan, and SWMP would minimize the potential for construction-related surface water pollution as well as the water quality during operation due to new storm water drainage facilities. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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d) *Would the proposed project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed*?

Less than Significant Impact. According to the *City of Lakeport 2008 Water Master Plan*, the city obtains water from two sources: groundwater sources from four wells in Scotts Valley and water from Clear Lake treated at the city's water treatment plant. The city currently has water rights for 750 acre-feet per year from the Scotts Valley Aquifer and another 2,000 acre-feet per year from both the Scotts Valley Aquifer and Clear Lake. The city also has water conservation programs in place. Any increase in the number of employees attributable to the proposed project would be minimal. Thus, the amount of water needed by the proposed project would be similar to that used by existing courthouse facilities. The proposed project is not expected to require additional water supplies above what has already been anticipated in the City of Lakeport General Plan 2025. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

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e) *Would the proposed project result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments*?

Less than Significant Impact. Wastewater generated by the City of Lakeport is collected and transported to the City of Lakeport wastewater treatment plant (WWTP), located southwest of the city limits. The WWTP is owned and operated by the CLMSD, with a design capacity is 2.5 million gallons per day (mgd). According to the City of Lakeport Sewer System Management Plan (SSMP), the WWTP has the capacity to serve an additional 888 residential unit equivalents above its current treatment levels. In addition, the SSMP acknowledges that the CLSMD intends to expand the sewer system over the next 10 years to accommodate the potential commercial and residential growth within the city.

Any increase in the number of employees attributable to the proposed project would be minimal. Thus the amount of wastewater generated by the proposed project would be similar to that generated in existing facilities. The project would not exceed the capacity of the City's WWTP. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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f) *Would the proposed project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs*?

Less than Significant Impact. Lakeport has a contract with the Lakeport Disposal Company for its solid waste disposal. Most solid waste refuse from Lakeport is transported first to a transfer station on Bevins Street in south Lakeport, and then on to the East Lake Landfill, located just outside the City of Clearlake. The Eastlake Landfill is located on a 32 acre parcel outside the city limits of Clearlake. The landfill has a total permitted capacity of six million cubic yards and the estimated remaining capacity is 2,859,962 cubic yards (or 47.3 percent).[23] The estimated closure date for the landfill is December 2027. This landfill has enough capacity to accommodate solid waste generated by the proposed project. *Therefore, the AOC concludes that project impacts would be less-than-significant*.

Mitigation required: None.

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[23] California Department of Resources Recycling and Recovery, 2010. Available at: http://www.calrecycle.ca.gov/profiles/Facility/Landfill/LFProfile1.asp?COID=17&FACID=17-AA-0001, Accessed: July 13, 2010.

g) *Would the project comply with federal, state, and local statutes and regulations related to solid waste*?

Less than Significant Impact. The AOC shall ensure that the best method of solid waste disposal and reduction of the solid waste stream is implemented at the proposed project site. The proposed project would result in the transfer of all solid waste to permitted facilities (including hazardous waste). The proposed project is expected to comply with all federal, state, and local statutes and regulations related to solid waste. *Therefore, the AOC concludes that project impacts would be less-than-significant.*

Mitigation required: None.

References

Administrative Office of the Courts (AOC), Office of Court Construction and Management, 2008. *Project Feasibility Report, Superior Court of California, County of Lake, New Lakeport Courthouse.* July 1.

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City of Lakeport, General Plan Update Draft Environmental Impact Report, November 2008.

City of Lakeport Municipal Sewer District, *Sewer System Management Plan, 2010*. Available at: http://www.cityoflakeport.com/docs/SSMP-Final-512201062607PM.pdf. Accessed: July 12, 2010.

Pace Civil, Inc, *City of Lakeport 2008 Master Water Plan,* April 2008.

3.18 Mandatory Findings of Significance

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
MANDATORY FINDINGS OF SIGNIFICANCE — Would the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☒	☐	☐
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Discussion

a) *Would the proposed project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory*?

Less than Significant with Mitigation. The proposed project may have potentially significant impacts on biological resources (Section 4.3) and cultural resources (Section 4.4). However, implementation of mitigation measures in those sections would reduce these potential impacts to a less-than-significant level.

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b) *Would the proposed project have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)*

Less than Significant with Mitigation. The proposed project may have potentially significant impacts on air quality (Section 3.3), biological resources (Section 3.4), cultural resources (Section 3.54), noise and vibration (Section 3.12), and transportation and traffic (Section 3.16), which would include cumulative impacts. However,

implementation of mitigation measures in those sections would reduce these potential impacts to a less-than-significant level.

The probability of construction of other proposed projects in the area and their construction timetables are uncertain due to current economic issues, and construction of the proposed project is expected to be completed in 2014. Since potential impacts from the proposed project and future projects would be mitigated in accordance with local and state regulations and the construction of other projects would likely occur after completion of the proposed courthouse, the AOC concludes that the cumulative impacts from the proposed project would be less than significant.

The proposed project would consolidate existing courthouse staff at one location; no additional staff would be added with this project. Therefore, the proposed project is not growth-inducing in and of itself.

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c) *Would the proposed project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly*?

Less than Significant with Mitigation. The proposed project may have potentially significant impacts on air quality (Section 3.3), biological resources (Section 3.4), cultural resources (Section 3.54), noise and vibration (Section 3.12), and transportation and traffic (Section 3.16). However, implementation of mitigation measures in those sections would reduce these potential impacts to a less-than-significant level.

Chapter 4

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